

VI. COMMENTS AND COORDINATION

Coordination with environmental resource agencies, elected officials, organizations/associations, and the public is an important component of the MD 97 Brookeville Project. This section of the document includes a compilation of correspondence with the public, environmental review and regulatory agencies, and county and local planning boards, commissions and civic associations since the October 3, 2001 Combined Location/Design Public Hearing.

A. DEIS COMMENT PERIOD AND PUBLIC HEARING

A notice was published in the *Federal Register* announcing the availability of the DEIS and subsequently marking the start of the DEIS comment period. A formal notice was published in the newspapers and public service announcements were sent to radio stations serving the area to notify individuals of the Public Hearing to encourage participation. In addition to the advertisements, brochures were sent to those on the project mailing list. Copies of the DEIS were distributed to federal, state, and local agencies, libraries and citizens. Comments were requested concerning the DEIS and the proposed improvements. The close of the comment period was October 25, 2001.

The SHA and the USACOE jointly held a Combined Location/Design Public Hearing for this project in Brookeville on October 3, 2001 at the Rosa Parks Middle School. Mr. Charlie Watkins, District Engineer, SHA, presided. Representatives of SHA described SHA's highway development process and explained that the MD 97 Project is in the detailed study stage of the Project Planning phase. The history of the project, as well as the results of the engineering and environmental studies, the alternates under consideration, and coordination with other state and federal agencies and public involvement activities were described. An environmental overview of the project area was provided. Persons attending the public hearing were provided a copy of the Public Hearing brochure, which summarizes information related to this project and includes descriptions of the proposed improvement, and an environmental summary. The DEIS and display maps and renderings of the alternates were available for review prior to and at the public hearing. Representatives from SHA's Right-of-Way division were available to answer question regarding right-of-way acquisition procedures.

Approximately 140 people were in attendance at the Combined Location/Design Public Hearing. The hearing provided citizens an opportunity to present oral and written testimony on the DEIS. An official transcript was prepared of the Location/Design Public Hearing, and the hearing record contains the remarks of 22 citizen speakers. Copies of the transcript are available for review at SHA and at local libraries. During the course of the oral testimony, the majority of people expressed their support for a bypass. Of these, the majority supported Alternate 7. Three people expressed support for Alternate 8B. Two people stated that did not support any of the alternates. No one outwardly spoke in favor of the No-Build Alternate, and the majority of people were opposed to the No-Build Alternate. Eight people testified in opposition to Alternate 5C due to its impact to Brookeville Farms and its high cost. One person testified in support of Alternate 5C. A summary of the comments received during the **Public Hearing oral testimony and SHA responses** are located on **Pages VI-A-4 to VI-A-12.**

A total of 16 written comments were received during the DEIS Comment Period. Of these, six people expressed support for Alternate 8B. Four wrote in support of Alternate 7, and two people stated their support Alternate 5C. One person expressed support for a western alignment, and one stated there should be a ban on truck traffic through town. Two people were in favor of the No-Build Alternate. The **actual written comment sheets and corresponding SHA responses** start on **Page VI-A-13**.

B. AGENCY COORDINATION

The MD 97 Brookeville Project has been processed in accordance with the Maryland Streamlined Environmental and Regulatory Process involving coordination with federal and state resource agencies. This involved agency concurrence of the Alternates Retained for Detailed Study (ARDS) for the DEIS as discussed previously. It has also involved federal and state resource agency coordination and concurrence of the SHA Selected Alternate. A draft Selected Alternate and Conceptual Mitigation Package (SACM) was circulated for agency review and comment in February 2003 and the MD 97 Brookeville Project was presented at the March 2003 Interagency Review Meeting (IAR). Agency comments focused on the status of the draft Memorandum of Agreement (MOA) in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and a request for consideration of wildlife passage along the north side of Reddy Branch as discussed previously. The final SACM package responded to these comments and was distributed at the May 2003 IAR meeting for formal agency concurrence and comment.

As a result of this process, agency concurrence (without comment) of the SHA Selected Alternate and the conceptual mitigation proposed in the SACM Package was received from the FHWA, USACOE, USFWS, MDE, and the Metropolitan Washington Council of Government. Agency concurrence (with minor comments) was received from the USEPA, NPS and DNR. The USEPA and DNR expressed support of the reevaluation of the north-side wildlife passage; DNR offered continued coordination with SHA regarding mitigation designs. The National Park Service gave concurrence based on FHWA legal sufficiency. The Maryland Department of Planning also concurred, commenting that SHA's Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP also recommended that MDOT, SHA, and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works. In response, coordination is ongoing between SHA and MET and will be resolved in Final Design.

In addition to the Maryland Streamlined Environmental and Regulatory Process, coordination has also occurred with the federal ACHP regarding Section 106 of the National Historic Preservation Act of 1966, as amended. The ACHP has notified FHWA that the ACHP does not believe that their participation as a signature party to resolve adverse effects is needed. A summary of the **Federal and State Environmental Review and Regulatory Agency comments** on the DEIS starts on **Page VI-B-1**. The additional agency coordination letters and/or minutes that have occurred since the distribution of the DEIS start on **Page VI-B-14**. The **Selected Alternate and Conceptual Mitigation Package** starts on **Page VI-B-37**, with agency concurrence correspondence starting on **Page VI-B-57**.

A meeting was held February 19, 2002 to verify that the MD 97 Brookeville alternates complied with the **Smart Growth** criteria designated for the project. Attendees included representatives from the Maryland State Highway Administration, Federal Highway Administration, Maryland Department of Transportation, Office of Smart Growth, and Maryland Department of Planning. The meeting minutes are located on **Pages VI-B-28 to VI-B-30**.

Upon review of the MD 97 Brookeville Project planning study, the **Montgomery County Council and Planning Board** made several recommendations regarding the selection of an alternate and subsequent project planning and design activities. This correspondence is located in **Section V, Appendix B**. Consultation has been ongoing with **Maryland-National Capital Park and Planning Commission** (M-NCPPC) regarding Section 4(f) use of Reddy Branch Stream Valley Park including approval of locations for wetland mitigation, stream restoration, reforestation, and storm water management requirements for the MD 97 Brookeville Project that are located within the park. M-NCPPC coordination also includes cultural resources, as portions of the park are located within the Brookeville Historic District, and M-NCPPC is an invited participant in the Section 106 process. **Section V, Appendix B** (Section 4(f) Evaluation) of the FEIS includes the formal consultation with M-NCPPC regarding permanent and temporary use of public parkland and associated mitigation.

C. FOCUS GROUP MEETINGS

The Focus Group was comprised of individuals within the study corridor, as recommended by county and local elected officials. The **Focus Group** meetings that occurred since the DEIS distribution are located on **Pages VI-C-1 and VI-C-6**.

D. GREATER OLNEY CIVIC ASSOCIATION CORRESPONDENCE

The Greater Olney Civic Association, whose mission is to oversee the overall welfare of Olney community, made recommendations to the Maryland State Highway Administration regarding the selection of an alternate. Correspondence from the **Greater Olney Civic Association** is located on **Pages VI-D-1 and VI-D-3**.

A. DEIS COMMENT PERIOD AND PUBLIC HEARING

1. Oral Testimony

The following summarizes the verbal comments received at the Public Hearing and responses by the Project Team:

Speaker 1: Richard Alan
President of Commissioners and Resident
205 Market Street
Brookeville, MD 20833

Comment: Mr. Allan stated that the town of Brookeville’s message is build a bypass now, locate it west of town, and take all due care to use whatever necessary resources available to mitigate socioeconomic, cultural and natural environmental impacts that might result. The bypass is crucial to the future of the town and its residents. Without the bypass, the town of Brookeville would be utterly consumed by commuter and truck traffic gridlock with all its safety and health implications. The town commissioners believe that Alternate 7 represents the preferred placement or location for the bypass. The Commissioners also specifically note their support of a roundabout at grade at Brookeville Road that would assure smooth east/west and northwest traffic flow.

Response 1: Mr. Alan’s support for Alternate 7 has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 2: Robert Heritage
Brookeville, MD 20833

Comment: Mr. Heritage commented that he feels traffic congestion has grown worse in the 28 years he has lived in Brookeville. Many trucks are unable to make the corner turn going down MD 97 without going over the curb into High Street. He is a town commissioner, and is in complete agreement with President Alan. He stated that the No-Build Alternate should be considered a no-brainer.

Response 2: Mr. Heritage's support for Alternate 7 has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Although the No-Build Alternate would not meet the project needs stated above, it was carried forward for detailed study to provide a benchmark for comparison in the analysis of other alternates.

Speaker 3: Clyde Unglesbee
20 High Street
Brookeville, MD 20833

Comment: Mr. Unglesbee stated that he agrees with Mr. Alan and Mr. Heritage. Alternate 7 is best solution for Brookeville Bypass – as soon as possible. Alternate 7 is least costly, least opposition, and less effect on homes. Concerned that the school buses have to back down Brookeville hill because an 18-wheeler is coming down, which a safety issue. Mr. Unglesbee also provided a chronological history of the project, stressing that planners in the 1950s saw a need for a bypass, and that it is time to stop studying and to put this project into a funding climate so that it can be built, so that future generations will not have to endure decades of further study.

Response 3: Mr. Unglesbee's support for Alternate 7 has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 4: Ralph Leslie
Shady View Lane
Brookeville, MD 20833

Comment: Mr. Leslie stated that he is opposed to the No-Build Alternate, and supports any of the options except Alternate 5C, due to cost.

Response 4: Mr. Leslie's opposition to the No-Build Alternate and Alternate 5C has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Although the No-Build Alternate would not meet the project needs stated above, it was carried forward for detailed study to provide a benchmark for comparison in the analysis of other alternates. The estimated costs of the SHA Selected Alternate 7 Modified is 12.5 million dollars compared to 12.4 million for Alternate 7, and 34.5 million for Alternate 5C.

Speaker 5: John Parrish
9009 Fairview Road
Brookeville, MD 20833

Comment: Mr. Parrish emphasized the importance of choosing an alignment that emphasizes forest protection, particularly that forest that is supposed to be protected within parklands. Mr. Parrish stated that several American Chestnuts occur on the south side of Brookeville Road on bluff, if not in the alignment, very close to it. Regarding the 4(f) evaluation, Mr. Parrish stated there are more impacts from Alternate 5C east of town than any of the western alternatives. He stated there are greater floodplain, parkland, stream crossings, and rare, threatened and endangered species impacts on the east side when compared to the west, and he encourages that environmental factors be given serious consideration when choosing final alternate. From an environmental and Section 4(f) standpoint, 5C would seem to be the alternate to choose. Of the western alignments, he prefers that Alternate 8B be chosen because it provides a larger and safer corridor for wildlife passage. He supports a bypass and hopes that something is built with as much balance with the environment as possible.

Response 5: Mr. Parrish's support for the bypass has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Mitigation for loss of vegetation would be addressed through a the Maryland Reforestation State Law. The SHA would coordinate with the M-NCPPC to identify viable areas for reforestation including areas within Reddy Branch Stream Valley Park. None of the Build Alternates would impact any endangered or threatened plant or animal species. The US Fish and Wildlife Service (USFWS) confirmed that no federally-listed or proposed for listing endangered or threatened species in the project area. There are two-watch list species, Shingle Oak and American Chestnut, located within the project area. In addition, DNR, Wildlife and Heritage Division reported no records for federal or state rare, threatened, or endangered plants or animals in the project area.

Alternate 8B was not selected in order to minimize impacts to the Newlin/Downs Mill Complex archaeological site and minimize adverse effects on the Brookeville Historic District. The SHA Selected Alternate 7 Modified includes a design recommendation for wildlife passage along Reddy Branch and have been concurred with by the regulatory resource agencies as explained in Section II of the FEIS. The Section 4(f) Evaluation (Section V) explains why SHA's Selected Alternate is the overall least impactful alternate and identifies the proposed measures to mitigate Section 4(f) impacts.

Speaker 6: Karen Montgomery
211 Market Street
Brookeville, MD 20833

Comment: Ms. Montgomery stated that the vibration shakes her windows and foundation, and that the traffic has increased in the 22 years she has been a resident. Ms. Montgomery entered photos of accident victims into public record. In addition, she stated her support for Alternate 7.

Response 6: Ms. Montgomery's support for Alternate 7 has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 7: Mike Jamgotion
19617 Islander Street
Olney, MD 20832

Comments: Mr. Jamgotion provided comments on the No-Build Alternate, Alternates 7, 8A and 8B and their evaluation in the DEIS. He believes that SHA failed to meet high level

of detail required by the National Environmental Policy Act and that the Environmental Impact Statement should be revised.

Response 7: The No-Build Alternate, Alternate 7, Alternate 8A, Alternate 8B and Alternate 5C are all considered feasible alternatives under the National Environmental Policy Act laws, which require any transportation projects receiving federal funding to investigate all reasonable alternates that avoid or minimize impacts to environmental, natural and social economic resources (i.e., historic district, parks, streams, woodland, endangered species, environmental justice, etc...). In addition, the MD 97 Brookeville Project has been completed in accordance with the Maryland Streamlined Environmental and Regulatory Process that requires agency coordination and concurrence/comment for Purpose and Need, Alternates Retained for Detailed Study and the Selected Alternate and Mitigation Package as explained in Section II. Agency comments on the DEIS have been addressed as noted in Section VI-B.

As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. The modified alignment was presented at the January 2002 Inter Agency Review meeting. An agency field view occurred on September 20, 2002. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 8: Todd Vangelder
306 Market Street
Brookeville, MD 20833

Comments: Mr. Vangelder stated his opposition to the No-Build Alternate. He urged that the bypass be built quickly.

Response 8: Mr. Vangelder's support for the bypass and opposition to the No-Build Alternate has been noted. Although the No-Build Alternate would not meet the project needs stated above, it was carried forward for detailed study to provide a benchmark for comparison in the analysis of other alternates. The MD 97 Brookeville Project has been funded for Project Development at this time. Project design and construction will occur as funds become available.

Speaker 9: Robert Crowl
19421 Rena Court
Brookeville, MD 20833

Comments: Mr. Crowl expressed endorsement of Alternate 7 on behalf of Keith Snyder, President of the Olney Village Civic Association, David Buvet, a resident of Rena

Court, and the majority of the Olney Village Civic Association. It is their opinion that Alternate 7 will best address concerns regarding light and sound issues, minimize environmental impact, and serve the interest of the Olney/Brookeville communities.

Response 9: Mr. Crowl's support of Alternate 7, on behalf of the Olney Village Civic Association has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation.

Speaker 10: Martha Rockshaw
2710 Lubar Drive
Brookeville Farms
Brookeville, MD 20833

Comments: Ms. Rockshaw stated her opposition to Alternate 5 due its high cost and its negative impact to her neighborhood, Brookville Farms.

Response 10: Ms. Rockshaw's opposition to Alternate 5C has been noted. As a result of public and agency comments, Alternate 7 Modified is the SHA Selected Alternate. Alternate 5C was not selected because of substantially higher project cost, public opposition, and greater socio-economic, environmental, and cultural resource impacts. Table ES-1 provides a comparison of impacts for the projects alternates. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation.

The SHA Selected Alternate will not impact Brookeville Farms.

Speaker 11: Ryan Rockshaw
2710 Lubar Drive
Brookeville Farms
Brookeville, MD 20833

Comment: Mr. Rockshaw stated that he opposed to Alternate 5C for the following reasons: it would interfere with the school bus route for Brookeville Farms; he would have to go under two major bypasses to get to his friend's house in other sections of the neighborhood; there would be more pollution; it would go through animal habitats and forests, and lost people might venture into the neighborhood creating more traffic. If a bypass is necessary, Mr. Rockshaw supports Alternate 7 because it would

interfere the least with community and historic sites, and it would produce fewer intersections.

Response 11: Mr. Rockshaw's opposition to Alternate 5C has been noted. As a result of public and agency comments the western, Alternate 7 alignment was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

The SHA Selected Alternate is to the west of the Town of Brookeville and will not interfere with school bus access to Brookeville Farms. Access to the Town of Brookeville from the SHA Selected Alternate will be limited to two roundabouts, one at the southern tie-in with Georgia Avenue, and the other at Brookeville Road. See Section II for additional details. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 12: Dottie Atterback
2712 Lubar Drive
Brookeville Farms
Brookeville, MD20833

Comments: Ms. Atterback stated her opposition to Alternate 5C because it would greatly impact Brookeville Farms by alienating Lubar Drive from the rest of the neighborhood. She stated that she doesn't want her children waiting for the school buses during rush hour, or an alternate that runs through the creek her children explore in. She stated she hopes SHA does not approve a plan that costs two times what Alternate 7 and 8 cost and be willing to displace five families. She stated please abolish Alternate 5C in favor of Alternate 7.

Response 12: Ms. Atterback's opposition to Alternate 5C has been noted. See Response #10 and #11. Also, the SHA Selected Alternate will cross Reddy Branch to the west of Brookeville and design will include mitigation coordinated with resource agencies including stream restoration and creation of wetlands along Reddy Branch to the east of Brookeville. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation.

Speaker 13: Michael Wiezycinski
2706 Lubar Drive
Brookeville Farms
Brookeville, MD 20833

Comments: Mr. Wiezycinski opposes Alternate 5C for his following reasons: significant loss of forests area will occur, thereby allowing a view of the overpass structures; traffic traveling 40 to 50 miles an hour would be within 200 feet of our residence; noise levels would be extremely high; largest cumulative environmental impact; not cost effective from taxpayers perspective; and his quality of life will be lost.

Response 13: Mr. Wiezycinski's opposition to Alternate 5C has been noted. As a result of public and agency comments, Alternate 7 Modified is the SHA Selected Alternate. Alternate 5C was not selected because of substantially higher project cost, public opposition, and greater socio-economic, environmental, and cultural resource impacts. Table ES-1 provides a comparison of impacts for the projects alternates. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation.

Speaker 14: Adam Sachs
20300 Lubar Way
Brookeville Farms
Brookeville, MD 20833

Comments: Mr. Sachs expressed his opposition to Alternate 5C due to the negative impact on Brookeville Farms and to its high cost.

Response 14: Mr. Sachs' opposition to Alternate 5C has been noted. See Response #10.

Speaker 15: Janet Bovey
19432 Rena Court
Brookeville, MD 20833

Comments: Ms. Bovey stated that there is a need for the bypass. Regarding Alternate 7, Ms Bovey stated that a western bypass would bring a great deal of noise and air pollution into many families' backyards. Should Alternate 7 be chosen, every possible measure and precaution should be taken to avoid negatively impacting citizens' welfare. The State of Maryland should provide a guarantee that the construction of sound barriers, aesthetically pleasing sound buffering landscaping and any other measures that will reduce if not eliminate noise and air pollution effects from the highway.

Response 15: Ms. Bovey's support for the bypass has been noted. As a result of public and agency comments, the western Alternate 7 Modified alignment is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town. Table ES-1 provides a comparison of impacts for the alternates considered for the project.

None of the alternates would result in any violation of the state and national ambient air quality standards for carbon monoxide. The SHA noise policy cost per residence criteria is exceeded at all noise sensitive areas modeled. A final decision regarding noise abatement measures will be will occur during the design phase of the project. See Chapter IV.K (Air Quality) and IV.L (Noise Impact Assessment) for additional discussions. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation.

Speaker 16: John O'Loughlin
20521 Riggs Hill Way
Brookeville Farms
Brookeville, MD 20833

Comments: Mr. O'Loughlin stated that there is a need for the bypass, but that it should be done in a way that does not encourage more traffic and sprawl north of town. He feels that the No-Build Alternate should no longer be considered. Mr. O'Loughlin stated that the eastern bypass should be rejected because although the idea has been discussed for 30 years, the state made no provisions for preserving right-of-way on the eastern side. Alternate 5C is being squeezed through Brookeville Farms and the only place to go is the very same woods that were preserved. It doesn't make sense to use protected forested land that the developer of Brookeville Farms wasn't allowed to use. Regarding the western bypasses, Mr. O'Loughlin referenced a March 1999 letter from Governor Glendening to Isaiah Legitt, who was at that time council president, that states that the county must not let the bypass encourage sprawl and no access, widening or connection to the bypass is allowed. Alternate 7 and 8A do not conform to this latter requirement because they both connect with Brookeville Road, where a roundabout will make it easier for east/west traffic to come through this part of the county. Of all the western options, Mr. O'Loughlin supports Alternate 8B because it conforms to the governor's prerequisites while still being cost effective, minimizes detrimental impacts, and does not invite additional east/west traffic.

Response 16: Mr. O'Loughlin's support for Alternate 8B and his opposition to the No-Build Alternate and Alternates 5C, 7 and 8A have been noted. As a result of public and agency comments, the western Alternate 7 Modified alignment is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town. Table ES-1 provides a comparison of impacts for the alternates considered for the project.

In order for the MD 97 Brookeville Project to proceed after the Smart Growth and Neighborhood legislation, the Smart Growth criteria developed by the Governor's office was incorporated into the early stages of project development. As a result, roundabouts were developed for the projects alternates as a method to calm traffic and limit traffic growth.

Section II provides descriptions of the project alternates including access and Smart Growth. The Maryland Department of Planning (MDP) has concurred with SHA

selection of Alternate 7 Modified and commented that the Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP supports the Smart Growth criteria listed in the Executive Summary and has recommended that Maryland Department of Transportation, SHA and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works.

The Maryland Department of Planning (MDP) has concurred with the SHA selection of Alternate 7 Modified and commented that the Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP supports the Smart Growth criteria listed in the Executive Summary and has recommended that Maryland Department of Transportation, SHA and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works.

Speaker 17: Russ Smith
20303 Lubar Way
Brookeville Farms
Brookeville, MD 20833

Comments: Mr. Smith stated that he is opposed to Alternate 5C due to cost and impacts.

Response 17: Mr. Smith's opposition to Alternate 5C has been noted. See Response # 10 and #13.

Speaker 18: Resa Rockshaw
2710 Lubar Drive
Brookeville Farms
Brookeville, MD 20833

Comments: Ms. Rockshaw stated that she supports Alternate 7 and opposes Alternate 5C.

Response 18: Ms. Rockshaw's support of Alternate 7 and her opposition to Alternate 5C has been noted. See Response #1, # 10, and #13.

Speaker 19: Bill Wagner
210 Market Street
Brookeville, MD 20833

Comments: Mr. Wagner expressed his concerns and frustration regarding existing in-town traffic congestion and how unsafe it is. He stated that he is opposed to the No-Build Alternate and supports Alternate 7.

Response 19: Mr. Wagner's support for Alternate 7 and his opposition to the No-Build Alternate have been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town. Although the No-Build Alternate would not meet the project needs stated above, it was carried forward for detailed study to provide a benchmark for comparison in the analysis of other alternates.

Speaker 20: Randall Sands
20504 Riggs Hill Way
Brookeville Farms
Brookeville, MD 20833

Comments: Mr. Sands does not support any alternative for the bypass at the present time. He stated that he understands that a solution such as a bypass is needed for the problems in the Town of Brookeville, but that the impact on the surrounding communities need to be considered as well. Mr. Sands feels that any decisions on a bypass should wait until after the Bordley Drive extension work is completed, so that real traffic data and patterns of traffic flow are known.

Response 20: Mr. Sands' support for a transportation solution at a later date has been noted. The purpose of the Bordley Drive improvements is to provide vehicle east-west traffic movement for local users primarily from the expanding residential community it traverses and lessen local commuter traffic in the Town of Brookeville. The purpose of the MD 97 Brookeville Project is to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town as concluded in Section I. Section IV (Environmental Consequences) and Section V (Section 4(f) Evaluation) include discussions of resource impacts and appropriate mitigation. Please also refer to Response #7.

Speaker 21: Chris Scanlon
Chairperson, Brookeville Planning Commission
1212 Market Street
Brookeville, MD 20833

Comments: Mr. Scanlon stated that he supports the selection of one of the western bypass alignments. He commented on the need for the project due to traffic congestion, safety concerns, and the preservation of the historic nature of the town.

Response 21: Mr. Scanlon's support of a western alignment has been noted. As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate. Subsequent to the Public Hearing, further studies were developed regarding the Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. Alternate 7 Modified is the SHA Selected Alternate, which is expected to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Speaker 22: Lynn Fields
4410 Brookeville Road
Brookeville, MD 20833

Comments: Ms. Fields expressed her support for Alternate 8B because it will bypass the town of Brookeville and give the town the result it wants by allowing north/south traffic on Route 97 to bypass the town by placing a roundabout north of Brookeville Road and a bridge over Brookeville Road; the character of the road will be preserved as much as possible, and further use of an east/west commuter route will not be unnecessarily encouraged. She stated that either Alternate 7 or 8A would meet the town's needs without placing a roundabout on Brookeville Road and encouraging further use of the road.

Response 22: Ms. Fields' support for Alternate 8B is noted. Alternate 8B was not identified as SHA Selected Alternate because of higher cost, environmental impacts, and the impact to the view-shed of the historic district resulting from the grade separation over Brookeville Road. The elevated structure is within sight distance from the historic district; a concern expressed by many citizens of Brookeville. Cost for Alternate 8B is approximately \$5 million greater than Alternate 7. Table ES-1 provides a comparison of the alternates considered for the project and Section II describes the alternates including access and Smart Growth.

The Maryland Department of Planning (MDP) has concurred with the SHA selection of Alternate 7 Modified and commented that the Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP supports the Smart Growth criteria listed in the Executive Summary and has recommended that Maryland Department of Transportation, SHA and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works.

Commenter #1

Response to Commenter #1

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MD 97 BROOKEVILLE TRANSPORTATION PROJECT
PROJECT NO. MO740B11

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832



Maryland Department of Transportation
State Highway Administration

November 5, 2001

Mr. and Mrs. Hansen
19625 Islander Street
Olney MD 20832

Dear Mr. and Mrs. Hansen:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your comments supporting Alternate 7 and concerns about the project in general have been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeleta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-5026 or via email at charris@sha.state.md.us.

Very truly yours,
Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *Melissa Kosenak*
Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeleta Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

2
1

PLEASE PRINT NAME Timothy Hansen/Karen Hansen DATE 10/7/01
ADDRESS 19625 Islander St.
CITY Olney STATE MD ZIP 20832

I/we wish to comment or inquire about the following aspects of this project:

We believe that the "no build" option is not truly being considered due to any traffic around from development in Howard county. We don't believe that the future bypass will be considered due to cost (although bypasses built in that alignment with full knowledge of that possibility). It appears that only two bypass alignments will be seriously considered. Among those alternatives 7 appears to be the best choice. It's the bypass and bypass would impact neighborhoods and the environment the least. Alternative 8 is not to be expensive than alternative 7. We would like to see a more thorough study done. Alternative 8A is not to be expensive than alternative 7. We would like to see a more thorough study done. Alternative 8B is not to be expensive than alternative 7. We would like to see a more thorough study done. Alternative 8C is not to be expensive than alternative 7. We would like to see a more thorough study done.

The political environment that has led to this final engineering phase were with the fact that some examples of infrastructure investments in Maryland is needed with some infrastructure needed at or about the project and that has been a critical part. My interest would be a road or your own project, not the project.

- Please add my/our name(s) to the Mailing List.
- Please delete my/our name(s) from the Mailing List
- * Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing

Response to Commenter #2



Maryland Department of Transportation
State Highway Administration

November 5, 2001

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Mr. John Hartinger
Page Two

Mr. John Hartinger
19620 Islander Street
Olney MD 20832

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-5026 or via email at charris@sha.state.md.us.

Dear Mr. Hartinger:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your comments supporting Alternate 5C as the most acceptable eastern alignment and Alternate 7 as the least offensive western alignment have been noted.

The purpose of the MD 97 Brookeville project is to remove the increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001.

The No-Build Alternate remains a valuable alignment throughout the Project Planning Process. It is also the SHA objective to minimally impact the environmental, social and natural resources within the project limits.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeletta Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-3258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

2 []
1 []

Commenter #3

Patricia R. Lane
4400 Brookeville Road
Brookeville, MD 20833

October 24, 2001

Maryland Department of Transportation
State Highway Administration
Office of Planning and Preliminary
Engineering

Mail Stop C-301
Box 717
Baltimore, MD 21203-0717

Re: MD 97 - Brookeville Transportation Study

Dear Sir/Madam:

As a resident of the Brookeville area, I thank you for this opportunity to comment on the proposed Brookeville bypass. While I do not live within the incorporated boundaries of the town, I do live in a location (Brookeville Road) that could be quite severely impacted by the decision made. For that reason, I am writing to express my strong request for you to examine closely the effects on Brookeville Road should you choose any of the choices that include a roundabout that would give further access to Brookeville Road. Any form of greater access to Brookeville Road will increase the amount of traffic with serious consequences attached.

Brookeville Road is a rural, country road that is currently accommodating far too many cars on a daily basis than the road can logistically handle. The physical characteristics of the roadway make the overuse more significant. The road has no markings or lines delineating either the centerline or the edge of the road. This is a crucial note as the road does not have shoulders or readily available open areas that would permit motorists to pull off the road. Although the posted speed limit ranges from 30 miles/hour to 35 miles/hour, the speed limit is never followed or enforced. [This is not a pejorative comment on our law enforcement officers, but simply a fact.] Large farm equipment moving quite slowly use Brookeville Road on a daily basis - as do bikers, joggers, and horseback riders. Vehicular traffic has to coexist with much slower traffic, and that doesn't always end up with a peaceful coexistence. With the topography of the road as it is and with no shoulders, increasing the number of faster moving cars on the road will, undoubtedly, increase the odds of serious injuries and accidents exponentially.

An increase in the amount of traffic on Brookeville Road will also increase the number of wildlife/auto accidents. Brookeville Road is lined with wooded areas and

small stretches of open areas that would permit perfect causeways for wildlife to use to cross the street. The woods are heavily populated with deer, fox, and other wildlife. Due to the fact that there is little to no area that drivers can use to avoid collision with wildlife, the number of fatal accidents involving human/wildlife collisions will most certainly rise. This could place a heavy toll on safety for both humans and wildlife.

From an economic side, an increase in traffic on Brookeville Road could severely damage the property value of those homes that front the road. The increase could also affect the use of the properties, as safety on the road becomes a real concern. For instance, how does an individual transport his large equipment to another non-adjointing piece of his property? Is it prudent to keep horses or livestock next to a busy cut-through road? Is it safe to mow your own property that abuts the road when a large number of cars are whizzing by?

A review of the alternatives listed, apart from the no-action alternative, outline two alternatives that would not automatically increase the traffic on Brookeville Road while still accomplishing the goal to relieve the town of Brookeville from the North-South congestion problem. While Alternative 5 would be readily acceptable, the cost and displacement factors probably make that Alternative untenable. Alternative 8B, on the other hand, would satisfy the objectives of the residents of Brookeville, while not automatically increasing the amount of traffic on Brookeville Road. The selection of Alternative 8B would, therefore, satisfy both groups of residents living in the area.

From a personal view, we moved to Brookeville Road because of its rural nature and its slow pace. In the approximately seven years that we have lived here, we have witnessed an incredible growth in the amount of traffic on the road. To pick an alternative that would add to that growth would destroy the rural nature of this area. For the residents along Brookeville Road, our quality of life would be dramatically and seriously degraded. Our illusion of safety when we drive on the road on which we live would be destroyed. I can only urge you to consider all the alternatives and their effect on the surrounding area closely and to reject any alternative that would create a roundabout with access to Brookeville Road. Please don't destroy the reason why most of us moved here in the first place.

Once again, I thank you for the opportunity to comment. Please feel free to contact me should you have any questions.

Sincerely,

Patricia R. Lane

Patricia R. Lane

cc: Representative Conna Morella

2 [

1 [

Response to Commenter #3



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Poyari
Secretary
Parker F. Williams
Administrator

November 28, 2001

Ms. Patricia Lane
4400 Brookeville Road
Brookeville MD 20833

Dear Ms. Lane:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 8B has been. Your concerns regarding the congestion on Brookeville Road have been noted and for this project, roundabouts are included as a method to calm traffic flow by lowering the speed limit to 15 miles per hour at the roundabouts.

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The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeleta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeleta T. Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Injured Hearing or Speech
1-800-735-2536 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to Speaker Response 22.

Commenter #4

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS
MD 97 BROOKESVILLE TRANSPORTATION PROJECT
PROJECT NO. MD746011

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

NAME NICHOLAS MORTIARY DATE 10/26/01
ADDRESS 19213 WILLOW GROVE ROAD
CITY OLNEY STATE MD ZIP _____

I/we wish to comment or inquire about the following aspects of this project:

I really enjoyed the presentation. I now understand the options and issues. I would like to make the following comments.

1) If large trucks are a problem, as they appear to be, I would suggest not allowing them to go thru Brookeville, regardless of which option is chosen.

2) Although the focus of the meeting was MD 97 Brookeville, this road is part of a large system for Montgomery County and the state, and it should be considered in any decision you are in the best position to evaluate the larger impact.

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing

Response to Commenter #4



Maryland Department of Transportation
State Highway Administration

Paris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 5, 2001

Mr. Nicholas Mortariy
19213 Willow Grove Road
Olney MD 20832

Dear Mr. Mortariy:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your comments supporting a truck ban through Brookeville as well as evaluating MD 97 as a part of the overall Montgomery County road system have been noted.

1,2

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeleta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-5026 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Korenak
Melissa Korenak
Project Engineer
Project Planning Division

cc: Ms. Carmeleta Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: The SHA has decided to remove the existing MD 97 bridge over Reddy Branch. This, in conjunction with future access into Brookeville from the west being limited to the two proposed roundabouts, will likely deter truck traffic with the exception of local deliveries. In addition, completion of the Bordley Drive to MD 97 will provide an east-west connection for trucks needing to access the expanding residential development in the area.

Commenter #5

Response to Commenter #5

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MD 97 BROOKEVILLE TRANSPORTATION PROJECT
PROJECT NO. MD748B11

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

October 25, 2001

Ms. Caroline Naah
3415 Brookeville Road
Brookeville MD 20833

Dear Ms. Naah:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. As per your request, your name has been added to the project mailing list.

The SHA has reduced the impacts to the Nash property active agricultural land with the development of Alternate 7, Alternate 8A and Alternate 8B, over the previous Alternates 3 and Alternate 4 Modified. The SHA is committed to minimizing the environmental, cultural, and social resources impacted along the western alternates.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmelella T. Harris, the project manager, at 410-545-8322 or toll-free in Maryland at 1-800-548-502 or via email at charms@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *[Signature]*
Melissa Kosznik
Project Engineer
Project Planning Division

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2238, Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21209-0717

PLEASE PRINT NAME CAROLINE NASH DATE Oct. 3, 2001
ADDRESS 3415 BROOKEVILLE RD STATE MD ZIP 20833
From on corner of Brookeville Rd & Olney Ave.

I/We wish to comment or inquire about the following aspects of this project:

My family lives the farm on the corner of 97 and Brookeville Rd. The western alternate will impact our eat field. Our eat field is farmed w/ crops such as soybeans & corn. We request with emphasis that if an alternative is chosen that is waterlog, it be as little damage to this field as possible.

Part of the charm and beauty of historic Brookeville is that it is a farming community. Ours is the last farm of the village that has not fallen to development. We urge you to preserve this beauty on our livelihood (farm) by not destroying this field on the corner in any drastic way.

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

Commenter #6

O'Loughlin

Comments of John O'Loughlin on DEIS for Brookeville Bypass

20521 Riggs Hill Way
Brookeville, Maryland 20833
October 25, 2001

Via Facsimile, E-Mail, and U.S. Mail

Ms. Carmelella Harris
Project Manager
Maryland State Highway Administration
Mailstop C-301
707 North Calvert Street
Baltimore, MD 21202

Re: Brookeville Bypass Draft Environmental Impact Statement

Dear Ms. Harris:

I am submitting this letter in response to your invitation to comment on the Draft Environmental Impact Statement (DEIS) for the Maryland Route 97 Brookeville Bypass Transportation Study and the Location/Design Public Hearing. For the record, I have lived in Montgomery County most of my life and am now a resident of the Brookeville Farms subdivision northeast of the Town of Brookeville. Although I am the past President of the Brookeville Farms Homeowners Association, Inc., these comments are submitted on behalf of me and my family and do not necessarily reflect the views of the HOA or my neighbors.

As an initial statement, I believe that the record amply demonstrates that there is a need for a bypass to meet the stated objectives: to improve traffic operations and safety on MD 97 and reduce increasing traffic in the Town of Brookeville. Therefore, the "no-build alternate" should not be selected. This notwithstanding, for reasons set forth more fully below, I continue to oppose the eastern alternate (Alternate 5C) as well as any western alternate that incorporates a connection of MD 97 with Brookeville Road (i.e., Alternate 7 and Alternate 8A).

Clearly there is a need to build a bypass. The traffic problem is almost 50 years in the making and has grown exponentially in the last decade. The path MD 97 takes through Brookeville is wholly inadequate because the Town predates the invention of the automobile, and the Town's 18th Century planners certainly never contemplated the need to accommodate early 21st Century commuter traffic. But, in attempting to address the need to improve traffic flow and remove the onslaught of north-south traffic from the Town, we should do so in a way that does not attract additional traffic to the surrounding neighborhoods. More particularly, in solving the Town's traffic problem, we should not foot the traffic off on other communities and should not create conditions that invite more east-west commuters through the area.

To that end, the proposed traffic calming measures at the north and south end of each bypass alternate appear to be a good idea. Physical limitations on the road's capacity and speed are essential in preventing or limiting future deterioration of the area from increased traffic because administrative or institutional controls have proven to be worthless. Indeed, Montgomery County's promise to restrict future growth north of the Town is an empty pledge. In the short time since then-Council President Leggett replied to Governor Glendening's letter outlining the Smart Growth conditions under which the project planning could continue, the Planning Commission has granted final approval to nearly 100 new single-family lots in the vicinity of Sunshine, just a few miles north of the proposed Bypass. I am not saying that the density of the approved development is not in conformity with the existing zoning, and certainly those landowners are within their rights to develop the land (just as we did so before them). Rather, my point is that any road projects must include physical characteristics that restrain the number and speed of cars cannot rely on the assurances of politicians or on speed limit enforcement by police, who simply do not have the resources to regulate the speed.

The Governor's letter also contained an important condition limiting the circumstances under which planning for the Bypass could continue. The Governor imposed, and the County accepted, the following restriction:

Permanent easement to be held by an entity such as the Maryland Environmental Trust must border the entire roadway to ensure no future access, widening or connection to the bypass is possible.

In my view, two of the western alternates (Alternate 7 and 8A) should be removed from further consideration. These two alternates do not conform to the requirement in Governor Glendening's letter that there be no connection to the Bypass because they connect with Brookeville Road. None of the preliminary designs for the Bypass showed any kind of intersection with Brookeville Road even though they showed some detail for how the Bypass would connect at the north and south ends. All of the preliminary designs - including all of those presented to Gov. Glendening and President Leggett - included an overpass at Brookeville Road rather than an intersection or roundabout. The first introduction of roundabouts was in 2000, more than a year after the Governor's letter. Thus, there is no evidence in the record that the written agreement between those two elected officials contemplated any connection with Brookeville Road. Indeed, the passage quoted above makes no mention of a connection with Brookeville Road. If our elected officials had intended to exclude an intersection with Brookeville Road from the

¹ Letter from The Honorable Parris N. Glendening to The Honorable Isiah Leggett, March 5, 1999. President Leggett accepted the Governor's conditions in a reply letter dated March 9, 1999.

Commenter #6

Comments of John O'Loughlin on DEIS for Brookeville Bypass

Comments of John O'Loughlin on DEIS for Brookeville Bypass

above restriction, they could have done so. They did not. Accordingly, any bypass that incorporates an intersection or roundabout with Brookeville Road fails to satisfy the condition and either (1) Montgomery County must pay for 100% of the cost of the Bypass or (2) the Bypass must not be built. Thus, Alternates 7 and 8A should receive further consideration.

It has been suggested that the connection with Brookeville Road may not violate the Smart Growth conditions because it does not create a new connection since MD 97 currently connects with Brookeville Road. This flawed assertion overlooks two important points. First, once Bordly Drive and the Bypass are completed, there will be two ways to get from Brighton Dam Road to Brookeville Road, thus effectively doubling the east-west road capacity through and around Brookeville. Second, the combination of Bordly Drive and the Bypass with a roundabout will make the east-west commute much easier than it is currently, thus attracting new commuters who may have been previously deterred by the western end of Brighton Dam Road and the bottlenecks in the Town of Brookeville, as well as allowing all drivers to go faster. Therefore, it is simply not possible to state in good faith that a connection with Brookeville Road is consistent with the Smart Growth conditions.

In addition to my opposition to Alternates 7 and 8A on the principles outlined above, I oppose any bypass that includes an intersection with Brookeville Road because of the real and present danger that such an intersection or roundabout could result in increased east-west traffic through our area. The Brookeville Bypass is supposed to address the north-south traffic on MD 97. It should not create an east-west traffic problem on other roads.

I also oppose Alternate 5C for obvious reasons. The most important of these are (a) the taking of property and displacement of five of our neighbors, (b) the destruction of the Brookeville Farms neighborhood, and (c) the enormous cost.

Below I address my specific concerns with the various alternatives and identify selected reasons where the DEIS is inadequate.

A. Alternate 5C – the eastern bypass

The eastern alternate, Alternate 5C, is so ridiculous that it warrants only a brief discussion. The configuration requires much more land, many bridges, and nearly triple the cost. Moreover, Alternate 5C would require the displacement of five families in the Sunnymead subdivision, directly impact several properties in Brookeville Farms, and have an indirect impact on many other homes and families in Brookeville Farms.

As a taxpayer, I am appalled that this expensive alternate remains under consideration. The idea of a north-south bypass for Brookeville has been kicked around for nearly 30 years. Yet, neither the State nor the County made any effort to preserve

right of way for the eastern alternative. All of the houses directly affected are less than 10 years old, some are only 2 years old, and one is actually under construction this very day. Even if the directly impacted families are fully compensated for their financial losses (at taxpayer expense!), those of us remaining will have to live with the physical, aesthetic, and economic destruction of our neighborhood with no compensation whatsoever. Indeed, the DEIS indicates that even the homes immediately abutting the eastern right of way will not qualify for sound barriers according to the State's criteria because sound abatement is too expensive on a per-house basis.

The eastern alternate exemplifies how bankrupt the entire process for designing and building roads has become in this area. Just a few years ago we had over 300 acres of undeveloped land in what is now Brookeville Farms that could have easily accommodated both Bordly Drive and the Bypass while still allowing harmonious residential use. A large portion of Brookeville Farms was open field in the shadow of the PEPCO transmission lines and would have been perfectly suited for use as a right of way for both roads. Now, just like what was done with Bordly Drive, after the lots are laid out and houses are built, the State is trying to squeeze a highway in between our houses.

The proposed right of way for Alternate 5C cuts right through a substantial forest conservation easement on land owned by the 64 homeowners in Brookeville Farms. This land was expressly set aside during development, consistent with Maryland's forest conservation law, because of its value as a nature preserve supporting wildlife and the environment. As a consequence, the lots in Brookeville Farms were clustered in such a way as to minimize the clearing of existing forest. In addition, the developer was required to plant additional trees to compensate for any forest that was removed. All of the cost of this was passed on to the 64 families in Brookeville Farms. Now, the State is proposing to clear not only some of the newly planted trees, but also a substantial parcel of older forest that had been expressly protected. Thus, not only will the eastern alternate slice right through the heart of our neighborhood with an elevated highway, but it will ruin one of the significant natural features which drew many of us to the neighborhood. This is simply not the right way to perform land use and road planning. Notably, the right of way for the three western alternates is publicly owned and has been designated for future highway use for many years.

There are numerous examples of flaws in the DEIS with respect to Alternate 5C. Because I have been assured by so many officials and consultants that there is no reasonable expectation 5C will be built, I simply note the following in order to preserve the right to challenge the Final EIS in the future.

- The DEIS acknowledges that 5C would cause a "substantial increase" of 10dBA or more for several homes in Brookeville Farms. (DEIS p.IV-32.) Yet, sound abatement is presumptively too expensive on a per-house basis according to State criteria. (pp. IV-37 – 39.) For the western alternates, sound impact to residents of Dubarry, Rena, and Islander is one of the

1

Commenter #6

Comments of John O'Loughlin on DEIS for Brookeville Bypass

Comments of John O'Loughlin on DEIS for Brookeville Bypass

6

reasons some people prefer the lower rights of way (Alternates 7 and 8 because they believe the grade-separated road (Alternate 8B) will have more of a noise impact on their neighborhood. This results in the inequitable situation where noise is used as a criteria for selecting both the western alternates but is predetermined to not be a significant factor with respect to making accommodations for the western alternate.

The DEIS pays brief attention to the Pleasant Hill Plantation ruins and cemetery. The cemetery is located approximately 33 feet from the edge of the right of way, yet the DEIS recommends only that it be fenced during construction and monitored (whatever that means). Not only will the eastern alternate make the cemetery effectively inaccessible to pedestrians because of safety concerns, it will undoubtedly cause further deterioration of the graves from vibration and pollution. Members of one of Maryland's prominent families are buried there. The DEIS simply provides inadequate consideration of the impact to this historic site.

Figure IV-6 does not reflect the substantial forest conservation area within Brookeville Farms that is protected by an easement and the rest of the document ignores that the right of way for the eastern right of way travels through this privately funded forest conservation area.

B. Alternates 7 and 8A

1. The Connection With Brookeville Road Violates Smart Growth

Two of the western alternates, Alternates 7 and 8A, do not conform to the requirement in Governor Glendening's letter that there be no connection to the Bypass because they connect with Brookeville Road. Therefore, these alternates should be removed from further consideration. The roundabouts Brookeville Road are a terrible idea for several reasons. A roundabout at Brookeville Road will make it much easier east-west traffic to come through this part of the County. Currently, residents of Clarksville and Columbia who work in Gaithersburg have to negotiate the windy portion of Brookeville Road in the face of the onslaught of southbound cars on MD 97. Even though the current use is too much, this configuration has served as a significant deterrent to even more cars using this route and has somewhat limited the speed of those who use it. The combination of Bordly Drive and the roundabout at Brookeville Road will eliminate all three of these obstacles and make this a seamless way for Howard County commuters to reach Gaithersburg and Interstate 270 via Brookeville Road, Muncaster Road, and Shady Grove Road.

This is bad not just for the families on Bordly Drive, this is bad for everyone in the area. The addition of better roads and the elimination of bottlenecks will increase overall east-west traffic in the area, which is bad for the Brookeville Road residents a

well as the Brookeville Town residents when the commuters start trying to find shortcuts and cut-throughs to shave off the precious 5 minutes from their commute whenever there is a traffic jam or accident.

In addition, it is just a matter of time before the State or County starts improving the connection between Brookeville Road and Muncaster Road, and then the connection between Muncaster Road and Shady Grove Road. Once that is done, commuters will have a de facto parkway connecting Columbia to Gaithersburg cutting right through Northeast Montgomery County and all of our neighborhoods. That is clearly in none of our interest.

The DEIS is entirely inadequate with respect to Alternates 7 and 8A because the study area was deliberately limited to the immediate vicinity of Brookeville and expressly ignored environmental impacts to points east and west of Town, such as Clarksville and Zion. The study did not analyze secondary or cumulative impacts associated with Howard County based on an assumption that zoning in western Howard County will "not accommodate large-scale residential development." Evidently the author of that portion of the DEIS has not been to Clarksville in the last 10 years. The pace and density of development in and around Clarksville far outpaces that in northeast Montgomery County. Furthermore, the report acknowledges that MD Route 32 is planned for improvement north of Route 108, yet makes no assessment for potential population growth northeast of the study area. As described below, the Maryland Department of Transportation's (MDOT's) own statistics show that the rapid increase in residential development in western Howard County is primarily responsible for the increase in east-west traffic in northeast Montgomery County. Yet, inexplicably, the DEIS ignores this evidence.

2. The DEIS for Alternates 7 and 8A is Deficient

A sample of the deficiencies in the DEIS with respect to Alternates 7 and 8A are provided below:

- Environmental Justice. The DEIS (p.IV-2) asserts that there is no unfair impact imposed by the right of way on concentrations of minority or historically disadvantaged populations. Because the study was limited exclusively to the right of way and the immediate vicinity of the Town of Brookeville, it gave no consideration to the impact of the Bypass on Zion. Zion is a small community just west of Brookeville at the intersection of Brookeville Road and Zion Road. Zion was founded by freed slaves and this day is populated by their descendants. Any version of the Bypass that includes access to Brookeville Road must include an assessment of the impact to Zion inflicted by increased east-west traffic on Brookeville Road.

2

Commenter #6

Comments of John O'Loughlin on DEIS for Brookeville Bypass

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- The DEIS does not even mention Oakley Cabin, a historic site associated with the Underground Railroad located on Brookeville Road just east of the Town of Brookeville. Any version of the Bypass that includes access to Brookeville Road must include an assessment of the impact to Oakley Cabin inflicted by increased east-west traffic on Brookeville Road.
- The DEIS does not discuss the designation by Montgomery County of Brookeville Road as a Rural Rustic Road or of the Brighton Dam Road as Interim Rural Rustic Road. Any version of the Bypass that includes access to Brookeville Road must include an assessment of the impact inflicted by increased east-west traffic on Brookeville Road and Brighton Dam Road. Moreover, the assessment should include an evaluation of how an at-grade roundabout could be constructed in a manner consistent with the Rural Rustic Road designation.

- The DEIS states (p. IV-27) that the air quality analysis assumed an ambient temperature of 20°F and a composite 8-hour average of 35°F. Given that these figures do not represent reality anywhere in the mid-Atlantic United States, the report should include an explanation for why these defaults were used so that mere laypersons can understand the analysis.

- The DEIS reflects an air quality analysis conducted only on or near Rt. 97. The study did not analyze any receptors east of 200 Market Street or at any point west of town on Brookeville Road, including the village of Zion. Any version of the Bypass that includes access to Brookeville Road must include an assessment of the air quality impact to Zion and other points east and west of Brookeville.

- The DEIS asserts that there will be no appreciable population increase in zones 593 or 584, northeast and west of Brookeville. For the two zones, the DEIS states that there are fewer than 1000 homes with no appreciable increase from 1990 to 2020. Yet, the recent development of the Abrams, Dennit, Reitman, Childs properties alone have created nearly 200 new home sites between the late 1990s and 2004 or 2005. The DEIS should explain why it is reasonable to conclude that there will be no appreciable increase over 30 year when in just the past 6 or 7 there has been nearly a 10% increase in the number of new homes.

3. The DEIS Fails to Analyze East-West Traffic Impacts

The fatal flaw in the DEIS with respect to Alternates 7 and 8A is that it does not analyze east-west traffic at all. In fact, it almost appears as though the analysis was conducted prior to the time when the roundabouts at Brookeville Road were first conceived. For example, the DEIS states that the Bypass is "not anticipated to encourage

Comments of John O'Loughlin on DEIS for Brookeville Bypass

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secondary and cumulative development because the proposed roadway will limit access to two locations north and south of Brookeville." (DEIS p.IV-50, emphasis added.) The DEIS goes on to assert that secondary impacts are not expected to occur and that there are only minor cumulative effects within the study area. According to the DEIS, the basis for this conclusion is the stated project purpose and need (i.e., improving MD 97 through the Town) and "SHA's commitment to limited access." (DEIS pp. IV-73-74.) In specific reference to the condition of no connection placed on the project by the Governor, the DEIS states as follows:

SHA's commitment to the four conditions . . . place unprecedented restrictions on future "loosening" of the project's initial purpose and need. Should a build alternate be selected, the placement of permanent easements along its alignment closes any future attempt to provide controlled access, widening or other connections to it. In addition, any capacity that the build alternate might add to the network cannot be used to allow development outside the boundaries of the Town of Brookeville. These conditions are an effort to successfully comply with Smart Growth requirements and at the same time meet the viable traffic concerns with existing MD 97 through the Historic Town of Brookeville.

(DEIS p. IV-74.) It is clear that the traffic analysis and assessment of indirect environmental impacts simply did not consider the effect of east-east traffic posed by a connection between the Bypass and Brookeville Road. Therefore, not only would Alternates 7 and 8A fail to satisfy the condition of no connection established by the Governor and agreed to by the County Council, the DEIS itself fails to comply with the requirement that it analyze all environmental impacts of the project because it consciously omits an analysis of east-west traffic caused by a connection with Brookeville Road.

4. The East-West Traffic Impact Will Be Substantial

Having established above that the DEIS failed to address impacts caused by east-west traffic, it will not be adequate for the State to simply assert that those impacts will be minimal. Our investigation of the east-west traffic patterns during the debate about Bondy Drive demonstrated that the problem is real and growing, irrespective of the County's ambivalence. The traffic problem in the area has been growing exponentially and the addition of Bondy Drive will invite more commuter traffic. The following analysis is based on traffic counts obtained from Montgomery County's Department of Public Works and Transportation (DPWT) and MDOT.

Commenter #6

Comments of John O'Loughlin on DEIS for Brookeville Bypass

Comments of John O'Loughlin on DEIS for Brookeville Bypass

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- In 1972, the daily (7am-7pm) traffic on Brighton Dam Road west of Route 650 (New Hampshire Avenue) was 257 cars. Of that, 96 cars (37%) came from or went to points east of Route 650. Since there are relatively few homes between Route 650 and the Howard County border at the Brighton Dam, it is reasonable to conclude that the vast majority of these cars come from Clarksville, Columbia, and other locations in Howard County.
- By 1986, the number of cars on Brighton Dam Road west of Route 650 had risen to 359 cars a day, an approximately 40% increase over 14 years. Of that total, 189 cars went to or from Howard County. The Howard County traffic at that point represented 53% of the total traffic. More importantly, almost all of the increase in traffic on Brighton Dam Road was attributable to Howard County. The Brighton Dam total rose from 257 to 359, or 102 additional cars; the Howard share rose from 96 to 189, or 93 additional cars.
- The 1996 figures reflect the explosion in development in Clarksville and Columbia, coupled with the growth in jobs in Gaithersburg, Rockville, and Germantown. By 1996, traffic on Brighton Dam Road west of Route 650 had increased to 1,592 cars – a 350% increase in 10 years. Of that total, 1,196 cars were from Howard County. That number is 75% of all east-west traffic on Brighton Dam Road west of Route 650.
- 1,196 of the cars in the 1996 study were going to or from Howard County. That number is 75% of all east-west traffic on Brighton Dam Road west of Route 650. Moreover, a rush-hour study conducted on May 30, 1996, shows that from 7am to 9am, 218 cars were headed westbound on Brighton Dam Road west of Route 650 while 107 were headed eastbound. During the 4pm to 6pm period, the numbers were reversed, with 174 cars headed eastbound on Brighton Dam Road and 74 headed westbound. These numbers show that by a 2 to 1 ratio, cars travel west in the morning and east in the evening, supporting our conclusion that the bulk of the traffic is caused by people who live in Howard County and work somewhere in Montgomery County.

In the debate about Bordly Drive, DPWT mischaracterized the traffic counts. The County estimated traffic on Bordly Drive at approximately 2,500 cars per day in 2020.² The estimate is not worthy of serious consideration. The estimate of 2,500 cars per day for the year 2020 reflects only a 57% increase from the 1996 estimate of 1,592 cars. This increase is inconsistent with the empirical evidence showing a 350% increase in the 10 years from 1986 to 1996. (Please see Table 1, below.) How can traffic increase 350% in 10 years but be expected to increase by only 57% in the next 24 years after the road is improved?

² Fiscal Year 1999 Capital Improvements Program Budget Request, Bordly Drive Extended – No. 509941, Jan. 10, 1998.

Table 1 - DPWT-MDOT Traffic Counts Brighton Dam Road Bordly Drive³

Year	Cars	Percent Increase
1972	257	N/A
1986	359	40%
1996	1,592	350%
2020 estimated Bordly	2,500	57%

Moreover, the estimate does not appear to factor in the amount of additional traffic that will be attracted to this corridor once the improved road becomes well known. Worse still, it does not even acknowledge the potential impact of the substantial development already approved by the County for the area east of New Hampshire Ave. north of Brighton Dam (the Dennis Property of approximately 92 homes). The attraction of Bordly as a commuter route will only be exacerbated by a connection between the Bypass and Brookeville Road and the continued substantial development in the Clarksville-Columbia area.

The record demonstrates that the Town of Brookeville has dedicated itself to removing all traffic, both north-south and east-west, from its roads. Although I sympathize with their predicament, their "at-all-costs" approach is neither admirable nor fair. As it stands, any version of the Bypass will eliminate approximately 85% of the Town's traffic burden. With any of the three western alternates, the traffic is moved not to another neighborhood but to a parkland that has been set aside for that purpose. In contrast, the eastern alternate would simply move the traffic from their neighborhood into ours. Moreover, when Bordly Drive is completed, regardless of which Bypass alternate is selected, Brookeville Farms will absorb via Bordly Drive most of the current east-west traffic. That is not good enough for the Town, however. They want the Bypass to connect to Brookeville Road to ensure that practically every east-west traveler opts to use Bordly and the Bypass to connect with Brookeville Road so that they avoid the Town entirely. By complying with their demands, the State and County will simply plant the seeds for this exact same problem to fester in Brookeville Farms. If the goal of the State is to improve east-west traffic, especially in the absence of an Intercounty Connector, then the State should properly plan to use rights of way that do not have homes on them (i.e., not Bordly Drive). Do not exploit the Bypass as an opportunity to slip in a critical

³ Figures are for Brighton Dam Road west of Route 650, New Hampshire Avenue, and are taken from Maryland State Highway Administration and Montgomery County Department of Public Works reports dated 3/15/72; 1/30/86; 5/30/96; and 10/2/96 (attached as Exhibit K). The 2020 estimate is for Bordly Drive and was provided by DPWT at the February 1998 public hearing. The 2,500 number also appears in the CLIP budget request, but that document does not show that the estimate is for the year 2020.

Commenter #6

Comments of John O'Loughlin on DEIS for Brookeville Bypass 12

I appreciate the opportunity to comment on the proposal and the DEIS. I am available during the day at 202-682-7050 if you would like to discuss any aspect of my comments.

Respectfully submitted,

John B. O'Loughlin, Jr.

Comments of John O'Loughlin on DEIS for Brookeville Bypass 11

east-west link in the transportation network without proper analysis, public notice, and opportunity for comment.

C. Alternate 8B

For all of the foregoing reasons, it appears that only Alternative 8B both conforms to the Smart Growth prerequisites and minimizes the likelihood of inviting a significant increase in east-west traffic. Alternate 8B is not without its faults. Most notably, the residents of Dubarry, Rena, and Islander are quite understandably concerned with the noise coming from an elevated bypass, which the bridge over Brookeville Road would require. From what I have been told, part of the reason the road is proposed to slope the way it does is to maintain a 50 mph design speed. What possible sense could it make to build a road segment less than one mile long with traffic calming measures at both ends yet with a design of 50 mph? Instead, Option 8B should have as low a grade as possible as it passes near the Dubarry and Rena residences and incline only as needed to accommodate the Brookeville Road overpass. As with the traffic circles, limiting the design speed is the type of physical constraint that is the only way to ensure that the Bypass retains a modest speed and is not allowed in the future to deviate from the Smart Growth conditions placed on the project.

D. Conclusion

In conclusion, only option 8B meets all of the Smart Growth criteria while being cost-effective, minimizing detrimental impacts, and not inviting additional east-west traffic. Alternate 8B should be modified to a lower grade and lower design speed, and all possible measures to minimize the noise and visual impact on the surrounding properties should be incorporated in the design and construction.

⁴ I also note for the record that the State has made no effort to reach out to Zion or to the Brookeville Farms HOA. During my tenure as President, my repeated requests to be added to the mailing list and working group went ignored, and I was only invited to one working group session after making a fuss. To this day, the HOA is not listed in any of the State's records as a stakeholder.

Supplemental Response: Please refer to Speaker Response #16.

Response to Commenter #6



Maryland Department of Transportation
State Highway Administration

Patrisia N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 30, 2001

Mr. John B. O'Loughlin, Jr.
20521 Riggs Hill Way
Brookeville MD 20833

Dear Mr. O'Loughlin:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 8B and your opposition to the No-Build Alternate and Alternates 5C, 7 and 8A have been noted.

In order for the MD 97 Brookeville Transportation Project to continue to proceed after the Smart Growth and Neighborhood legislation, this project study needs to address the Smart Growth criteria developed by the Governor's office. The at-grade or grade-separated connection at Brookeville Road is still being evaluated along with each of the alternatives. For this project, roundabouts are designed into the alternatives as a method to calm traffic and limit traffic growth. Also, Alternate 7 and Alternate 8B were developed to not create any new access to Brookeville Road

The No-Build Alternate, Alternate 7, Alternate 8A, Alternate 8B and Alternate 5C are all considered feasible alternatives under the National Environmental Protection Agency (NEPA) laws, which require any transportation projects receiving federal funding to investigate all reasonable alternatives that avoid or minimize impacts to environmental, natural and social economic resources (i.e., historic districts, parks, streams, woodland, endangered species environmental justice, etc...)

Your concerns regarding Smart Growth, Environmental Justice, and traffic will be addressed in the Final Environmental Impact Statement (FEIS).

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, continued coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2239 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Mr. John B. O'Loughlin, Jr.
Page Two

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosernak
Project Engineer
Project Planning Division

cc: Ms. Carmeletta T. Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration

1 }
2 }

Supplemental Response: Please refer to Response 16 to Mr. O'Loughlin presented previously in this section.

Commenter #7

Response to Commenter #7

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS
MD 97 BROOKEVILLE TRANSPORTATION PROJECT
PROJECT NO. MD746811

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

PLEASE PRINT NAME ADAM SACHS DATE 10/3/01
ADDRESS 20300 LUBAR WAY
CITY BROOKEVILLE STATE MD ZIP 20833

I/We, which is correct as I am located about the following address, of this comment.
My family and I are adamantly opposed to the East Bypass, Alternate 5C.

Prior to purchasing our home in Brookeville Farms, we did our homework and visited the Parks and Planning Office. The words they used to describe our backyard were "conservation zone," "reforestation zone," and "wetland." We happily signed the papers.

As a Brookeville Farms resident, I am deeply saddened by the possibility of losing the very quality of life we moved to Brookeville for in the first place, specifically a private wooded lot with minimal traffic noise.

As a taxpayer, I would ask the State Highway Administration to dismiss the \$34MM, 2+ mile 5C Alternative that demands the relocation of 5 new residences and 1 new business. Of course, we will need to add a couple dozen or so residential displacements to that list, including my own. My neighbors and my family would move from Brookeville rather than come home every night to a 2-lane shouldered bypass straddling our property lines.

We moved from Montgomery Village to Brookeville Farms last year in part to escape the sirens, motorcycles and constant traffic. We moved to Brookeville Farms so that our 7-year old son could play in our backyard unthreatened by speeding cars. We love our new Brookeville neighborhood and sincerely hope that its peace and integrity will be maintained and preserved.

Thank you for your consideration.

- Please add my/our name(s) to the Mailing List.
- Please delete my/our name(s) from the Mailing List
- * Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 14, 2001

Mr. Adam Sachs
20300 Lubar Way
Brookeville MD 20833

Dear Mr. Sachs:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your opposition to Alternate 5C as well as your concerns about the conservation areas have been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also considered in the decision making process.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at eharris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:
Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeletta Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to Response 10 to Speaker 10 presented previously in this section.

Commenter #8

Response to Commenter #8



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

October 8, 2001

Maryland Department of Transportation
State Highway Administration
Office of Planning and Preliminary Engineering
Mail Stop C-301
Box 717
Baltimore, Md. 21203-0717

October 26, 2001

Regarding: Md. 97 Brookeville Transportation Project
Project No. MO746B11

Mr. Ben J. Santaiti, Chairman Emeritus
Longwood Recreational Center Advisory Committee
3508 Falling Green Road
Olney MD 20832

Dear Sirs:

I wish to add the following comments to those which were given by others on October 3, 2001.

As Chairman of the Longwood Advisory Committee I have, in the past, given much oral and written testimony concerning the critical need to preserve the Longwood Recreation Center as a full-service facility to serve generations to come (in the greater Olney/Brookeville area). There was never a quest, as to the need of a By-Pass. The Longwood Advisory Committee has always concurred with the need for the Brookeville By-Pass. It just had trouble with past proposed locations.

I would like to add my support to "proposed Alternate 7". This route appears to meet most of the needs that have been raised over the many years this project has been under discussion.

I would like to add two more very important justifications to build the By-Pass and to build it so that it does not eliminate any part of the Longwood Recreation Center property: 1. In the event of a national emergency requiring the evacuation of the Olney area or necessitating the trucking of water, food, supplies, etc. into the Olney area, Route 97 is the only major north/south corridor in which to accomplish such actions. 2. In the event of a terrorist action in the Olney area it would be imperative to have all of the land area of the present Longwood Center available for helicopter landings; bus staging area for military equipment; etc.

I hope these comments are of assistance.

Sincerely,

Ben J. Santaiti
Ben J. Santaiti, Chairman Emeritus
Longwood Recreation Center Advisory Committee
3508 Falling Green Road
Olney, Md. 20832

Dear Mr. Santaiti:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your comments supporting proposed Alternate 7 have been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeleta Harris, the project manager, at 410-545-8322 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenak
Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeleta Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-3258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: The SHA Selected Alternate 7 Modified would utilize the M-NCPPC's land reserved for transportation use and not impact the Longwood Community Center property.

Response to Commenter #9

Commenter #9



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 29, 2001

Mr. Leith Speiden
19217 Mount Airy Road
Brookeville MD 20833

Dear Mr. Speiden:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for the No-Build Alternate has been noted. Traffic issues between MD 108 and MD 28 are currently being studied.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, continued coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeleta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *Melissa Kosmak*
Melissa Kosmak
Project Engineer
Project Planning Division

cc: Ms. Carmeleta T. Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-3286 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT NAME LEITH SPEIDEN DATE 10-16-01
ADDRESS 19217 MOUNT AIRY RD.
CITY BROOKEVILLE STATE MD ZIP 20833

/We wish to comment or inquire about the following aspects of this project:

1 [THE TRAFFIC BETWEEN RT 108 TO RT 28 IS ALREADY VERY CONGESTED IT CAN TAKE UP TO 30 MINUTES DURING RUSH HOURS, GOING SOUTH ON RT 97 BETWEEN RT 108/28, HAS THERE BEEN A TRAFFIC STUDY EVALUATING INCREASED TRAFFIC FROM NORTHERN COUNTIES? THERE WOULD BE A HUGE TRAFFIC BOTTLENECK BETWEEN RT 108 TO RT 28.
2 [I WOULD LIKE THE "NO BUILD" OPTION UNTIL THE RT 108 TO RT 28 VIA RT 97 IS SOLVED. THANK YOU FOR YOUR TIME.

Seith Speiden

- Please add my/our name(s) to the Mailing List.
- Please delete my/our name(s) from the Mailing List
- * Persons who have received a copy of this brochure through the mail are already on the project mailing list.

Committer #10

Response to Commenter #10



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Percan
Secretary
Parker F. Williams
Administrator

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS
MD 97 BROOKEVILLE TRANSPORTATION PROJECT
PROJECT NO. MD746B11

October 25, 2001

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

Mr. Gil Tadmor
4324 Leado Hall Drive
Olney MD 20832

Dear Mr. Tadmor:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 8B has been noted and will be considered during our selection of a preferred alternate.

NAME Gil Tadmor DATE 9/22/01
PLEASE PRINT ADDRESS 4324 Leado Hall Drive
CITY Olney STATE MD ZIP 20832

If we wish to comment or inquire about the following aspects of this project:

Since not aware if the re-communication process includes (or how it should include) input from the local residents, in any case I should read the (excellent if I may add) brochure and as a result of comparing the options thought that option 8B seems a good choice. I took into account cost, future expansion, and maintaining some of the smaller "secondary" roads for cyclists.

Very truly yours,

Cynthia D. Stimpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *[Signature]*
Melissa Kosernak
Project Engineer
Project Planning Division

cc: Ms. Carmelita Harris, Project Manager, State Highway Administration
Mr. Darrell Sacka, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing

Supplemental Response: Please refer to Speaker Response #22.

Commenter #11

October 3, 2001

Testimony at Public Hearing on October 3, 2001, before Maryland State Highway Administration Reference to Location/Design Study for Brookeville Bypass

My name is Clyde W. Unglesbee and I live at 20 High Street, Brookeville. Having lived here since 1948, and having served thirty years as a Town Commissioner for Brookeville, I feel eminently qualified to address the desperate need for a bypass of this gem of a historic town located here on the northern tip of Montgomery County.

The purpose of the study & this hearing, as printed in the brochure announcing this location/design hearing is well stated, and I quote -- "The purpose of the study is to remove the increasing traffic volume from the town - and improve traffic operations & safety on existing Maryland 97, and preserve the historic character of the Town."

I believe a very important point needs to be made here and now. On Page #2 of SHA's brochure there is a section under "Project History" which states that in January 1995 a project planning study was initiated. I submit that from a SHA perspective this timing is technically accurate. However, I wish to spend a few minutes in summarizing and expanding the picture of the historical significance on what has brought us even this far. You see, simply stated, I am concerned that more recent arrivals of some of the community residents may have a tendency to view this as a need that has recently developed in the last six years or so. And so I am convinced that there is a need to more fully document the long struggle and would therefore attempt to take you briefly on a chronological journey that has finally brought us to this evening and this hearing.

I respectfully request that you indulge me now as we put this issue on re-wind as we briefly look at an early occurrence sometime during the '50's. Please believe me, this will be relative as I would like to begin by quoting an excerpt from a letter written by Mr. Richard Kimmel to Doug Duncan, Montgomery County Executive, bearing a date of April 1999. I quote --

"While driving through the Village of Brookeville, passing Salem Methodist Church, the one-room school I attended, and other historic landmarks, I was saddened that the highway situation has not been resolved. The planners in the 1950's saw the need for a bypass. Road reservations were established across the front of the Longwood property I owned at that time. When they expired I felt so strongly that the time was right for alleviating the traffic that was then creating havoc and hazards in the quaint town of Brookeville, that I donated the ground to the State. Yes, to encourage prompt development of the bypass, the parcel designated for road reservation was transferred to the State for the sum of \$1.00!"

Now - let us move quickly to 1966. At that time the Olney Chamber of Commerce was in its infancy - just two years old - and as a representative of the Chamber I was personally engaged in assisting in the creation of the very first Olney Master Plan - this in the year 1966 (35 years ago)!

Now fast forward again -- In one of SHA's brochures, June 8, 2000, there is an acknowledgment that the approved and adopted Master Plan for Olney in 1960 does indeed show a proposed location of Maryland Rt. 97 bypassing Brookeville on the West side. As a matter of fact, I have a notation in my files that in July 2000 I called a Park & Planning representative and got a verbal confirmation of this, plus the fact that the same information was indeed shown on the 1966 Olney Master Plan.

Now I would like to propel you on to another step on this chronological journey. As a matter of record there is on file a letter directed to Mr. Slade Caltrider, SHA Administrator, bearing date of December 15, 1983, and the subject matter was a written

- 2 -

request made at that time to SHA by the Brookeville Town Commissioners, and I quote a significant excerpt from this official document:

"The Town Commissioners and citizens of the community are extremely concerned that this growth in traffic seriously jeopardizes the safety of residents and motorists alike. Additionally, the traffic is posing a real threat to the historic fabric of Brookeville, a town listed on the National Register of Historic Places and of importance in the State's as well as the Nation's history."

I will not belabor the point of quoting the entire request, except to say we asked that funds be identified to plan, develop and execute such a new road, while pointing out that the bypass had indeed been incorporated into the Olney Master Plan.

Incidentally, in the "Olney Courier-Gazette" dated December 21, 1983, there was a significant article referring to the Town's request to SHA for action on a bypass (reported by "Wick Byron" as an editorial in the Gazette during that era.) My only reason for this reference is to underscore and emphasize that there has been public knowledge concerning the increasing need for action to deal with some of the traffic problems that have only become more hazardous with each passing year of the past couple of decades.

I don't believe that I did mention that Mr. Caltrider did respond somewhat in February 1984 by stating that "A Md. 97 Bypass of Brookeville was not on the current elected officials priority list then, and the SHA therefore is not in a position to consider the planning studies requested."

Moving on a bit -- From this 1983 effort, nothing much happened for a few years. But on December 30, 1988, there was a press release made public that informed the community that the Brookeville Commissioners had made and released a dramatic video tape of the town's traffic conditions, and this tape was made available to the political community from the governor's office on down, including SHA's management team.

Following up these events, the first recorded public forum was brought before the community at large and was convened and chaired by the then President of the Montgomery County Council, Michael ("Mike") Gudis. And so it was according to the records that the very first public community effort was made by convening this assembly in the Brookeville Academy on November 1, 1989. (As I remember, the attendees were nearly literally hanging from the proverbial ceiling).

I appreciate your patience up to this point, and I hope this begins to lift these various pieces of action up and let the record show that for many years this struggle has been being played out - and remind those who may not be aware that the concern, the study, did not just begin in this community in January 1999.

And my friends, here we are these many years later - some of us having suffered through innumerable meetings, focus groups, town hall meetings, and all of this input including the emergence of the Governor's new Smart Growth Policy in 1999 which temporarily detailed any progress that had been made - but now, hopefully we are back on course and on the verge of officially witnessing some action on this - the location and design phase.

This is progress? My, I certainly hope so, but on the time line basis I presumably will be over 100 years old and extremely doubtful of ever personally experiencing the exhibition of actually finding the Brookeville bypass in use as a reality. Be that as it may, let us get on with correcting this massive problem for the benefit of succeeding generations!

There is one more thought to be raised. In 1994 (during Brookeville's Bicentennial celebration, SHA did conduct a traffic count showing then there were 6,500 vehicles per day

Commenter #11

Response to Commenter #11

-3-

passing through town, and now here in this brochure there is a traffic count done in 1998 (1 year later) that states the count then at 6,500 per day north of town and 9,000 south of town with a projection presumably based on the "No Build" option that in year 2020 these numbers would continue to mushroom to 17,000 north and 18,000 south of town -- pure gridlock -- i.e. death by choking!

You surely must recognize that even now pedestrians in Brookeville and those of us attempting to exit our driveways or cross the street find it nearly impossible to proceed safely, except out of the kindness of some very courteous and understanding motorists who permit us some limited access.

I do suppose though that now I must go on record as to which option I consider to be my #1 choice. My wife and I do support Alternate #7 as being the most likely and appropriate in moving this issue off dead center and into the decisive column. We believe it will provide much of the relief so vigorously sought, and also is estimated to be among the least costly of all options. It appears that Alternate #7 along with #8 & #9 do not require any residential or commercial displacements whereas Alternate #5 requires 3 residential and one commercial property displacements - at a projected cost of thirty-two million plus.

And so with this final effort to close, I would hope and even beg to realize that the discussions, the studies, and any political or other posturing would all cease - and please - let us move with "post haste" - exercise every means of effort to provide this much needed relief to the thousands of daily commuters, as well as this effort to give us "Brookevillians" our town back!

Let me close with this poignant incident, one which I believe rather dramatically portrays some peaked measure of frustration that many, many folks are experiencing daily. Just last week between 5:30 - 6 p.m. I was working in my yard as the daily traffic cauldron agonizingly slowly made its way in a stop & go mode northward (as far as I could) southward - at least to Goldmine Road, the line was solid. All of a sudden I heard a voice from one of the "stop & go" vehicles call my name and commented - "Hi, Clyde, who are all of these people I spend every afternoon with - and I don't know anybody!" My response? - An acknowledgment that I heard her and a "shrug of my shoulders" - I read my case!

Thanks for listening!
Clyde W. Unglesbee
CLYDE W. UNGLÉSBEER



Maryland Department of Transportation
State Highway Administration

Parris N. Glendon
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 29, 2001

Mr. Clyde W. Unglesbee
20 High Street
Brookeville MD 20833

Dear Mr. Unglesbee:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 7 has been noted, as well as the residents of Brookeville foresight in highlighting the need for a bypass on MD 97 over the years. The SHA will continue to move forward in the planning process to identify a preferred bypass, which will address safety and the concerns of both the motorists and the residents.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, continued coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmelella T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@aha.state.md.us

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmelella T. Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to Response 19 to Speaker 19 presented previously in this section. Currently, there is no funding established for design and construction of the MD 97 Brookeville Project.

Commenter #12

Response to Commenter #12



Maryland Department of Transportation
State Highway Administration

Parris H. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

MD 97 BROOKVILLE TRANSPORTATION PROJECT
PROJECT NO. MO746811

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

October 26, 2001

Mr. Robert H. Van Druff
3024 Holiday Drive
Brookeville MD 20833

Dear Mr. Van Druff:

Thank you for your interest in the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Brookeville bypass Alternate 5C or Alternate 7 have been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta Harris, the project manager, at 410-545-8322 or toll-free in Maryland at 1-800-548-5026 or via email at charris@sha.state.md.us

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenuk
Melissa Kosenuk
Project Engineer
Project Planning Division

cc: File
Ms. Carmeletta Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21302

1

PLEASE PRINT NAME ROBERT H. VAN DRUFF DATE 10-3-01
ADDRESS 3024 HOLIDAY DRIVE
CITY BROOKVILLE STATE MD ZIP 20833

I/We wish to comment or inquire about the following aspects of this project:

I AM IN FAVOR OF ALTERNATE 5C AND 7. I WOULD LIKE TO SEE DAILY DEERS IN THE HUNDREDS OF ROUTE 97 SHOWN IN SWEEP

1

Robert H Van Druff

P.S I WOULD PREFER #1, 5C # 2, 7

1

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing

Supplemental Response: Please refer to Response 13 to Speaker 13 presented previously in this section.

Committer #13

Response to Commenter #13

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MD 97 BROOKEVILLE TRANSPORTATION PROJECT
PROJECT NO. MD740B11

Location/Design Public Hearing
Wednesday, October 3, 2001
8:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

PLEASE PRINT NAME Weinrich DATE 10/3/01
ADDRESS 21110 Georgia Ave
CITY BROOKEVILLE STATE MD ZIP 20833

*I We wish to comment or inquire about the following aspects of this project:
The costs of any of the alternatives do not seem to be worth the efforts of the proposed project.
None of the alternatives will completely bypass Brookeville - they only bypass the historic district, which does not seem to suffer substantially from the traffic. Building of the bypass may actually encourage increased traffic through surrounding residential areas along Rt 97 + Brookeville Road, as commuters will want to utilize the new by pass. Also, residential residents will have to endure re-orientation + traffic during the build phase. I would not like to see the need to improve other roads at school.
We support the "NO BUILD" option.*

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

October 26, 2001

Mr. Weinrich
21110 Georgia Avenue
Brookeville MD 20833

Dear Mr. Weinrich:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. As per your request, your name has been added to the project mailing list and your support for the No-Build has been noted.

The purpose of this study is to remove the increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town. The need for this project takes into consideration the future traffic along MD 97 (Georgia Avenue) and safety as well.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to the citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmelella T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *[Signature]*
Melissa Kosenak
Project Engineer
Project Planning Division

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2208 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Commenter #14

Response to Commenter #14

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MO746811

LOCATION/DESIGN PUBLIC HEARING
MD 97 (BROOKEVILLE)
FROM GOLD MINE ROAD TO NORTH OF HOLIDAY DRIVE

WEDNESDAY, OCTOBER 3, 2001, 5:30 P.M. - 9:00 P.M.
ROSA PARK MIDDLE SCHOOL
19200 OLNEY MILL ROAD
OLNEY, MD 20832

PLEASE PRINT NAME Leslie S. Wiercinski DATE 10/24/01
ADDRESS 2706 Lubar Drive
CITY Brookeville STATE MD ZIP 20833

I/We wish to comment or inquire about the following aspects of this project:

My family offered testimony at the presentation on 10-3-01. We are against alternative B because it is too costly, would require moving families from their homes, and would follow a beautiful wooded wet land.

We recommend alternative B!

- Please add my/our name(s) to the Mailing List.
- Please delete my/our name(s) from the Mailing List.
- * Persons who have received a copy of this brochure through the mail are already on the project Mailing List



Maryland Department of Transportation
State Highway Administration

Pluris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 29, 2001

Ms. Leslie Wiercinski
2706 Lubar Drive
Brookeville MD 20833

Dear Ms. Wiercinski:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 8B has been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: *Melissa Kosenak*
Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeletta T. Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to supplemental response to Commenter # 10 presented previously in this section.

Commenter #15

Response to Commenter #15



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Percati
Secretary
Parker F. Williams
Administrator

November 29, 2001

Mr. Michael Wiercinski
2706 Lubar Drive
Brookeville MD 20833

Dear Mr. Wiercinski:

PLEASE NAME MICHAEL WIERCINSKI DATE 10/23/01
PRINT ADDRESS 2706 LUBAR DRIVE
CITY BROOKEVILLE STATE MD ZIP 20833

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

MO746B11
LOCATION/DESIGN PUBLIC HEARING
MD 97 (BROOKEVILLE)

FROM GOLD MINE ROAD TO NORTH OF HOLIDAY DRIVE

WEDNESDAY, OCTOBER 3, 2001, 5:30 P.M. - 9:00 P.M.

ROSA PARK MIDDLE SCHOOL
19200 OLNEY MILL ROAD
OLNEY, MD 20832

1C

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 8B has been noted.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, continued coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

- I We wish to comment or inquire about the following aspects of this project:
- 1 ① ALTERNATE 5C SHOULD NOT BE FURTHER CONSIDERED BECAUSE: A. NOT COMPATIBLE WITH THE BROOKEVILLE FARMS NEIGHBORHOOD B. NOISE LEVELS WILL BE EXTREMELY HIGH - WITHIN 200' OF RESIDENCE - & ELEVATED C. ALIGNMENT IS WITHIN A TRADITIONAL NO-BUILD FORESTED STREAM VALLEY - NOT GOOD PRACTICE D. HIGHEST CUMULATIVE ENVIRONMENTAL IMPACTS IN THE HIGHEST CONSTRUCTION COST
 - 2 ② RECOMMEND ALTERNATE 8B BECAUSE: A. EFFECTUALLY BYPASSES NORTH-SOUTH TRAFFIC AROUND BROOKEVILLE AND DOES NOT IMPACT BROOKEVILLE ROAD WITH HEAVY TRAFFIC VOLUME. SEEMS TO SUPPORT THE SPIRIT OF "SMART GROWTH" OF BROOKEVILLE ROAD AND THE SPIRIT OF "SMART GROWTH" BY NOT ENCOURAGING ADDITIONAL TRAFFIC ON THAT ROAD. ALSO, WOULD TEND TO DISCOURAGE TRAFFIC THROUGH BROOKEVILLE FARMS AND SPUR TO BE CONSTRUCTED EXTENSION OF ROOSEVELT DRIVE.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:

Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmelella T. Harris, Project Manager, State Highway Administration
Mr. Darrell Sacks, Environmental Manager, State Highway Administration

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to Response 16 to Speaker 16 presented previously in this section.

Commenter #16

Response to Commenter #16

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS
MD 97 BROOKESVILLE TRANSPORTATION PROJECT
PROJECT NO. MC746B11

Location/Design Public Hearing
Wednesday, October 3, 2001
5:30 P.M.

Rosa M. Parks Middle School
19200 Olney Mill Road
Olney MD 20832

NAME J. Mills Williams DATE October 3, 2001
ADDRESS 15504 Old Baltimore Road
CITY Brooksville STATE MD ZIP 20833

I/We wish to comment or inquire about the following aspects of this project:

- 1 My written comments with regard to the project.
- 2 Alternative 1 (no build) should be dropped from consideration, a bypass IS NEEDED.
- Alternative 5C should NOT be considered. It is too expensive and disrupts too many homes/businesses.
- Alternative 8A is not desirable because it has too many roundabouts.
- Alternative 7 is okay; however, the Brooksville roundabout will lead to many accidents and make Brooksville Road a much used road.
- Alternative 8B is the best alternative. I am against roundabouts because I consider them safety hazards. There will be many accidents at each roundabout.

Please add my/our name(s) to the Mailing List.

Please delete my/our name(s) from the Mailing List

* Persons who have received a copy of this brochure through the mail are already on the project mailing list.

October 3, 2001 Location/Design Public Hearing



Maryland Department of Transportation
State Highway Administration

November 5, 2001

Mr. J. Mills Williams
18904 Old Baltimore Road
Brooksville MD 20833

Dear Mr. Williams:

Thank you for your comments regarding the MD 97 Brooksville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your comments supporting Alternate 8B have been noted.

The purpose of the proposed roundabouts is to slow down the flow of traffic. The roundabouts, designed for a speed of 15 miles per hour, will be capable of accommodating tractor-trailers as well as school buses.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002 with final location approval expected by the summer of 2002. During this process, the selection of the preferred alternate will require continued coordination with the federal, state and local government agencies; in addition to, the citizen comments received at the MD 97 Brooksville Location/Design Public hearing held on Wednesday, December 3, 2001.

Again, thank you for your interest in the MD 97 Brooksville Project. If you have any further questions or comments, please feel free to contact Carmelita T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-5026 or via email at eharris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By:
Melissa Kosmak
Project Engineer
Project Planning Division

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-3288 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Supplemental Response: Please refer to Response 16 to Speaker 16 presented previously in this section.

B. AGENCY COORDINATION

**FEDERAL AND STATE ENVIRONMENTAL REVIEW AND REGULATORY AGENCIES
COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Agency/Date	Comments	Response Location
U.S. Environmental Protection Agency December 6, 2001	Rated the proposed action as “EC”; Environmental Concerns (wildlife passage and waterways at planned crossings), and the impact statement as “1” adequate information.	-----
	Concerned about potential impacts of project to wildlife passage and waterways at planned crossings. Appreciates thorough consideration during design to bridge span and height for Meadow Branch and Reddy Branch, to allow for wildlife passage and protection of stream resources. Would like to see a comparison of alternate bridge designs and associated impacts at future time in planning process..	See response on Page VI-B-4 and Section IV: J-2a
Maryland Department of Natural Resources October 22, 2001	Requested a more definitive justification of the selection of 1970 as the time frame start for SCEA.	Section IV: O-1b
	Wetlands SCEA section needs additional paragraphs to discuss potential project impacts or protection mechanisms and relate these to other past/future impacts in study area.	Section IV: O-4a(3c)
	Requested comparison of potential impacts for crossing of Brookeville Road just west of MD 97 (the long bridge over both the stream and existing road versus the traffic circle at Brookeville Road with shorter bridge over stream). Include forest clearing, and volume and area of fill. Hope to see additional information on the potential impacts from road construction to vegetation and wildlife. Suggested giving careful consideration to the use of bridges to optimize wildlife passage and minimize traffic conflicts with wildlife, as well as to maximize the protection of aquatic waterways and resources.	See response on Page VI-B-4 and Section IV: J-2a
Maryland Department of Planning November 19, 2001	Recommended fitting the section of the road that leads into the Town of Brookeville with some type of traffic calming device to limit the traffic that goes through the Town.	Section V: B
	Recommended having pedestrian bridges leading to and from town and walkways along side the new road.	Section ES-5
	Recommended introducing Environmental Sensitive Design elements to the new road (no curb and gutter, narrower road widths, innovative SWM designs).	See response to comment #3
	Suggested that the area surrounding the new road contains endangered species. Questioned whether there were plans to establish the new buffer around the road to include native plant species.	Section III: J-4 / IV: J-3&4
	Section III, Page 8, part b. Future, typo regarding PFAs in the fourth paragraph.	Section III: A-3b
	Section IV, page 26, part 3. Conformity with Regional Air Quality planning, bypass improvement may not have been tested in the air quality conformity analysis. Suggested that SHA contact WCOG.	See response to comment #6
	Maryland Historical Trust stated that their finding of consistency is contingent upon the applicant’s completion of the review process required under Section 106 of the National Historic Preservation Act (included in MDP Letter).	Section VI-C-3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

cc. Cynthia
Corman

December 6, 2001

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: MD 97 - Brookeville Project from South of Gold Mine Road to North of Holiday Drive,
Montgomery County, MD
Draft Environmental Impact Statement

Dear Ms. Simpson:

The Environmental Protection Agency (EPA) has received the Draft Environmental Impact Statement (DEIS) for the MD 97 - Brookeville Project dated August 2001. In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), Section 309 of the Clean Air Act and Section 404 of the Clean Water Act, EPA has reviewed this document.

1 { Based on our review of the DEIS, EPA has rated the environmental impacts of the action as "EC" Environmental Concerns and the adequacy of the impact statement as "1" Adequate Information. A copy of EPA's ranking system is enclosed for your reference. EPA remains concerned about potential impacts of the project to wildlife passage and waterways at planned crossings. The Agency appreciates thorough consideration during design to bridge span and height for Meadow Branch and Reddy Branch, to allow for wildlife passage and protection of stream resources. The Agency hopes to see comparison of alternate bridge designs and associated impacts at a future time in the project planning process.

Thank you for the opportunity to review and comment on this document. The Agency looks forward to continued cooperation in the evaluation of impact and protection of natural resources. If you have any questions, feel free to contact Barbara Rudnick at (215) 814-3322.

Sincerely,

Thomas A. Slenkamp, Acting Director
Office of Environmental Programs

**SUMMARY OF RATING DEFINITIONS
AND FOLLOW UP ACTION***

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for the EPA fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment.

*Response to USEPA**Comment #1*

The MD 97 Brookeville Project has been processed in accordance with the Maryland Streamlined Environmental and Regulatory Process involving coordination with federal and state resource agencies. This involved agency concurrence of the Alternates Retained for Detailed Study presented in the DEIS as discussed previously. It has since involved federal and state resource agency coordination and concurrence of SHA's Selected Alternate. A draft SACM package was circulated for agency review and comment in February 2003 and the MD 97 Brookeville Project was presented at the March 2003 IAR. Agency comments focused on the status of the draft MOA in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and a request for consideration of wildlife passage along the north side of Reddy Branch. The draft SACM package recommended the south side of Reddy Branch for wildlife passage based on non-surveyed contour mapping. In response to USACOE and USFWS comments for a north side passage, additional evaluations were made by SHA. It was concluded that the north side might be possible however a final design will need to await accurate ground surveys as part of project design. The design goal will be the agreed eight-foot vertical and 25-foot horizontal clearance on one side, preferably along the north side of Reddy Branch. Should topographic conditions not allow for adequate clearance along the north side, south side passage will be pursued by SHA as part of final design.

The final SACM package responded to these comments and was distributed at the May 2003 IAR meeting for formal concurrence and comment by the participating agencies. As a result of this process, agency concurrence (without comment) of SHA's Selected Alternate and the conceptual mitigation proposed in the SACM Package was received from the FHWA, USACOE, USFWS and the Metropolitan Washington Council of Government. Agency concurrence (with minor comments) was received from the USEPA and DNR. Both agencies expressed support of the reevaluation of the north-side wildlife passage and DNR offered continued coordination with SHA regarding mitigation designs. **Section VI-B** of this FEIS includes the March, 2003 IAR meeting minutes and signed agency concurrence forms resulting from completion of the SACM component of the Maryland Streamlined Environmental and Regulatory Process. **Section IV-J-2** of this FEIS has also been revised accordingly regarding terrestrial wildlife mitigation.



Robert N. Glendening
Governor
Peggy Sue Kennedy-Townsend
Lt. Governor

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW
Tawes State Office Building, B-3
Annapolis, Maryland 21401

J. Charles Fox
Secretary
Karen M. White
Deputy Secretary

October 22, 2001

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering
Mailstop C-301
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Dear Ms. Simpson:

The Maryland Department of Natural Resources (DNR) has conducted a review of the Draft Environmental Impact Statement/Section 4(f) Evaluation (DEIS) for the MD 97 - Brookville Project from South of Gold Mine Road to North of Holiday Drive (Project No. MO746B11, Montgomery County). The Department participated in a number of meetings and site visits for this project over the past several years. In general, the information in the DEIS document reflects the information exchanged at these meetings well. We have the following comments on the draft document:

1. A number of important natural resource concepts are addressed in the discussion sections on potential impacts to various vegetation and wildlife resources ("Environmental Consequences; Vegetation and Wildlife"; pages IV-21 to IV-25). The overall scope of the concepts presented in this section are impressive, and we commend the efforts made by the preparers of the document to put this section together. For a project that includes potential new road alignments such as this, it is especially important to discuss the potential impacts of forest habitat fragmentation and the expansion of forest edge habitat. Both of these subjects, as well as several other important natural resource concepts, were expertly addressed. We hope to see similar information on the varied potential impacts from road construction to vegetation and wildlife in future environmental documents.
2. In the presentation of "Secondary and Cumulative Effects Time Frame" (b.) on page IV-43, the wording of the last two sentences should be edited to more definitively justify the selection of 1970 for the time frame start. As the section currently reads, "several past events, which affect Brookeville, occurred in the early 1970's...Therefore, the cumulative effects analysis will address events dating back to 1970". Lacking in this current wording is an explanation of why the several circa 1970 events are more significant than other events occurring earlier and later, and why the

Telephone: (410) 260-8330
DNR TTY for the Deaf: (410) 260-8835

Cynthia D. Simpson
October 22, 2001
Page 2

circa 1970 events serve as defining events for the Brookeville area in reference to selecting the Secondary and Cumulative Effects Time Frame.

- 2 { 3. On page IV-59, there is a discussion section entitled, "Potential Cumulative Effects - Wetlands" (3c) in the Secondary and Cumulative Effects Analysis (SCEA). This discussion section does not match well with the other nearby sections discussing potential cumulative effects on other natural resources. The other sections typically reference and discuss the potential impacts that will occur with this transportation project, including in several cases the quantitative range of potential impacts that could result from the project under the various build alternates. The other sections also relate potential impacts from this project with other past and future impacts of the same type within the SCEA boundary, including a statement on likely mechanisms that will act to minimize future impacts. While the subject section on wetlands does include a brief discussion of historic wetland losses within the SCEA boundary, it does not discuss the subject transportation project and does not clearly reference future impacts or protection mechanisms. It appears that the wetlands section on potential cumulative effects may have lost a paragraph during editing or was never completed. It seems to be in need of one or more additional paragraphs to discuss potential impacts from this project and to relate these potential impacts to other past and future impacts in the study area.
- 3 { 4. We believe that the alternate methods under study for crossing Brookeville Road just to the west of MD 97 may have a wide range of impacts which differ significantly from each other. This applies specifically to the long bridge over both the stream and existing road versus the traffic circle at Brookeville Road with a shorter bridge over the stream. Forest clearing and volume and area of fill are categories that we would expect to differ significantly. We did not notice any discussion of impact comparison between these potential alternates in the DEIS. A discussion of this issue should be considered for inclusion in the DEIS. If this analysis will be conducted later and cannot be included in the current DEIS document, then it will still be important to carefully document the comparison of potential impacts for these crossing alternates when that analysis does occur.
- 4 { 5. We support the intent, as described in the current DEIS, to consider bridge designs during further project planning stages for crossing the stream channels that are perpendicular to the roadway alignment alternates. If bridge designs are found to be feasible, we will strongly advocate their use to protect aquatic resources and stream channels, as well as to promote safe wildlife passage opportunities. Given the presence of nearby housing developments, multiple roadways, farm fields and forested riparian corridors, the wildlife issues associated with this study area are quite complex. It is expected that populations of deer, racoon, and several other mammals are relatively large in the project area and also that there are likely to be existing factors which hinder the free movements of these species. Conflicts between wildlife movements and roadway use will affect driver safety as well as the health of the wildlife populations. It is advisable to carefully consider the use of bridges to optimize wildlife passage and minimize traffic conflicts with wildlife, as well as to maximize the protection of the waterways and aquatic resources.

Cynthia D. Simpson
October 22, 2001
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We appreciate the attention that has been given in the draft document to natural resource assessment and protection. We advocate and support your continued efforts to optimize protection of natural resources during future planning phases for this project. If you have any questions concerning these comments, you may contact Greg Golden of my staff at 410-260-8334.

Sincerely,


Ray C. Dintaman, Jr., Director
Environmental Review Unit

cc: Caryn Brookman, FHWA
Denise Rigney, EPA
George Harrison, COE
Paul Wettlaufer, COE
Bob Zepp, USFWS
Cindy Nethen, MDE
Elder Ghigiarelli, MDE
John Nichols, NMFS
Beth Cole, MHT
David Whitaker, MDP

Response to DNR

Comment #1

FEIS Page IV-42, Section IV-O-1b, second paragraph has been revised to read:

“Land use data was a key element in determining the time frame for the Brookeville SCEA. Readily available land use data included mapping from 1973, 1990, and 1997. Prior to 1970, land use data was limited. In addition, several events that affected Brookeville occurred in the early 1970’s including accelerated urbanization in Olney and the construction of a sewer pumping station in Brookeville, which supported the development of larger subdivisions. Therefore, 1970 was selected as the starting point for the SCEA.”

Comment #2

FEIS Page IV-60, Section IV-4.a.3c, the following paragraph has been added:

Total impacts for all five Build Alternates would vary from 0.10 acre to 0.21 acre. SHA’s Selected Alternate would impact four wetlands including two palustrine forested wetlands, impacted for a total of 0.03 acres, one palustrine emergent wetland, impacted for 0.06 acre, and one palustrine scrub-shrub wetland, impacted for 0.03 acres. Alternate 5C and Alternate 8B would have the potential for the greatest impacts (between 0.15 to 0.21 acre). Palustrine forested wetland impacts would account for approximately half of Alternate 5C impacts. Palustrine emergent impacts would be the same (0.06 acre) for Alternate 7, Alternate 8A, and Alternate 8B. Alternate 8B would have at least twice as many palustrine scrub-shrub impacts compared to the other Build Alternates.

Comment #3 and Comment #4

See response to **USEPA Comment #1 on Page V-B-4**:

Also, SHA has recently decided to remove the existing structure over Reddy Branch Stream in conjunction with the closing of this portion of MD 97. The Meadow Branch crossing currently proposed is a two-cell culvert. One cell culvert during low base flows will be designated for wildlife passage. Minor alignment shifts to avoid or minimize impacts to sensitive habitats would be considered during final design. Stormwater management designed to direct water to the median for bio-retention and infiltration would minimize the potential for environmental contamination or sedimentation of sensitive habitats. Bridging wetlands and stream valleys, or designing environmentally sensitive culverts can minimize the effects of habitat fragmentation.

The incidence of wildlife collisions with vehicles could be reduced by restricting or inhibiting wildlife access to the highway, or by enabling motorists to avoid collisions. These measures could include combinations of fencing, one-way gates, passageways, reflectors, lighting, etc. The associated loss of wildlife caused by alternates may be mitigated by the enhancement of the wildlife habitat through reforestation including vegetation with high wildlife food value (mast producing trees, seed, or berry producing shrubs, etc.), and plants which will provide cover for wildlife.



Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Ronald N. Young
Deputy Secretary

November 19, 2001

Mr. Douglas H. Simmons
Director
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, MD 21203-0717

REVIEW AND RECOMMENDATION

State Application Identifier: MD20010907-0999
Description: Draft Environmental Impact Statement Section 4(f) Evaluation: MD-97 Brookeville Project - From South of Gold Mine Road to North of Holiday Drive
Applicant: Maryland Department of Transportation
Location: Montgomery County - Town of Brookeville
Approving Authority: U.S. Department of Transportation

Recommendation: Endorsement With Qualifying Comments and Contingent Upon Certain Actions

Dear Mr. Simmons:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of Housing and Community Development including the Maryland Historical Trust, Environment, Natural Resources, Business and Economic Development, Montgomery County; and the Maryland Department of Planning. As of this date, the Maryland Department of the Environment has not submitted comments. This endorsement is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.

The Maryland Departments of Business and Economic Development, Natural Resources, and Montgomery County found this project to be **consistent** with their plans, programs, and objectives.

The Maryland Department of Planning found this project to be **generally consistent** with their plans, programs, and objectives, but included certain qualifying comments discussed below.

The Maryland Department of Housing and Community Development including the Maryland Historical Trust stated that their finding(s) of consistency is/are contingent upon the applicant taking the action(s) summarized below.

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Tel: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.800.767.6272 • TTY Users: Maryland Relay
Internet: www.mdp.state.md.us

Mr. Douglas H. Simmons
November 19, 2001
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MDP Comments:

We have provided comments on the project at earlier milestone stages, through the Maryland's Streamlined Environmental and Regulatory Process, including annotations on the updated alternatives retained for detailed study. These comments are included in Section VI of the DEIS. However, we are providing below some justifications of the alternative that we think is the most suitable along with some specific remarks on DEIS. We look forward to continuing to work with you and the affected local jurisdictions to ensure that the project meets the 1999 agreement criteria and complies with the 1997 PFA law.

Among all proposed alternatives, alternative 8b seems to be the one that meets the 1999 agreement criteria because:

- It does not provide access points to the bypass that could trigger future secondary growth in areas west of the bypass. It also avoids pressure to expand Brookeville road.
- It has minimal residential displacement as well as little environmental damage.
- It provides traffic calming devices on both ends of the bypass to address the issue of future vehicle pressure.

Additional Specific Comments on DEIS

- 1 [• Since this is an historical development area, the section north of the road that leads into town should be fitted with some type of traffic calming device to limit the traffic that goes through the town of Brookeville if the new portion of MD-97 should reach its carrying capacity.
- 2 [• Depending on which alternative is used it would be a good idea to have pedestrian bridges leading to and from town over or under this new roadway. Also is there any consideration of walkways alongside of the new road?
- 3 [• In order to keep this new road as environmentally friendly as possible, we recommend that Environmentally Sensitive Design (ESD) elements be introduced. This could come in the form of no curb and gutter and narrower road widths. Also innovative designs concerning storm water management should be implemented due to the increase in impervious cover associated with this new construction.
- 4 [• This area has been shown to have no known endangered species present, however in the areas surrounding the new road there are known endangered species. Are there any plans to establish this new buffer around the road to include native species of plants?
- 5 [• In Section III, Page 8, part b. **Future**, there is a typo in the fourth paragraph. The sentence should read: "The majority of the previously proposed MD 97 Brookeville Project's bypass alternatives were outside (not within) the PFA."
- 6 [• In Section IV, page 26, part 3. **Conformity with Regional Air Quality planning**, it is stated, "this project conforms to the SIP as it originates from a conforming TIP and transportation plan." However, in the 2001 Washington Metropolitan Region Transportation Improvement Plan, the Brookeville project is listed as a study and not as a specific highway improvement project. Therefore, the bypass improvement may not have been tested in the air quality conformity analysis. SHA should contact WCOG regarding this matter.

Summary of Comments:

- 7 [The Maryland Historical Trust stated that their finding of consistency is contingent upon the applicant's completion of the review process required under Section 106 of the National Historic Preservation Act

Mr. Douglas H. Simmons
November 19, 2001
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7 { **Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse.** Additionally, the State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the recommendation cannot be accommodated by the approving authority.

Please remember, you must comply with all applicable state and local laws and regulations. If you have any questions about the comments contained in this letter or how to proceed, please contact the State Clearinghouse at (410) 767-4490. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form must include the State Application Identifier Number.** This will ensure that our files are complete.

We appreciate your attention to the intergovernmental review process and look forward to your continued cooperation. If you need to contact a staff person, please call 410-767-4490.

Sincerely,



Linda C. Janey, J.D.
Director, Clearinghouse & Plan Review Unit

LCJ:AM:okk

Enclosures

(* indicates with attachments)

cc: Kathryn Orosz - DHCD
Joane Mueller - MDE
Ray Dintaman - DNR
James Gring - DBED
Scott Reilly - MTGM
Joe Tassone - MDPC
Gil Wagner - MDPM

*Response to MDP**Comment #1*

See **FEIS Page V-6, Section V-B**: “The alternates and typical sections considered were developed in 1999 in response to the October 1997 Smart Growth and Neighborhood Conservation Act, which was intended to control growth and urban sprawl. In compliance with the Smart Growth criteria, roundabouts would be included at the northern and southern termini of these alternates to control traffic flow and to help limit the capacity of the new roadway. The roundabouts would be landscaped as “gateways” to historic Brookeville. Proposed speed limits and access restrictions will enable future design to be consistent with Brookeville’s small town setting. By incorporating these “traffic-calming” features into the currently proposed roadway alignments, sprawl growth near Brookeville will be discouraged, while relieving traffic problems within the historic town.”

Comment #2

In early 1998, concerns over encouraging sprawl development delayed studies of a bypass around Brookeville and other towns across the state when they were determined to be inconsistent with the Smart Growth and Neighborhood Conservation Act. The MD 97 Brookeville Project was then placed on hold and a Smart Growth Working Group was formed to address the concerns regarding the Town of Brookeville and the prevention of sprawl development along the proposed alternates. As a result of the Smart Growth Working Group, In-Town improvements were then investigated. The improvements consisted of the following: a truck origin and destination study; a traffic light at Brighton Dam Road; a roundabout at Brighton Dam Road, Gold Mine Road and Brookeville Road; and pedestrian (sidewalks and crossing) improvements. The Smart Growth Working Group concluded that pedestrian sidewalks and pedestrian crossings should be further investigated. At the time, the Town of Brookeville investigated various funding options, which would allow for pedestrian sidewalks and pedestrian crossings.

As discussed in **Section VI-C** (Cultural Resources) and **Section V** (Section 4(f) Evaluation), the SHA Selected Alternate 7 Modified will include a pedestrian and bicycle trail within the footprint of the new roadway. M-NCPPC staff requested a continuation of the man-made Oakley Cabin Trail to the west of east into Brookeville outside of the footprint area including a pedestrian bridge or culvert extension at Brookeville Road. As explained in SHA’s August 13, 2003 letter to M-NCPPC included in **Section VI-B**, this would, in effect, create additional Section 106 adverse effects and Section 4(f) use of the Brookeville Historic District and public parkland, and by federal law, are precluded by SHA and FHWA interpretation of the Section 4(f) legislation.

Alternate 7 Modified has an open typical section, which consists of two 11-foot lanes and two ten-foot shoulders (five feet paved for bicycle compatibility and five feet graded).

Comment #3

The typical section described above includes Environmentally Sensitive Design elements including the MDP recommendations of no curb and gutter and narrower road width. FEIS, **Section IV-G** (Page IV-20) includes discussions of surface water mitigation including stormwater management.

Comment #4

FEIS Section III-J.3 and Section IV-J.3 were revised to read the following:

“According to the USFWS, no federally listed or proposed endangered or threatened species are known to exist in the project area. In correspondence, DNR, Wildlife and Heritage Division reported no records for federal or state rare, threatened, or endangered plants or animals within the project area, however, there are several small American chestnut (*Castanea dentata*) trees within the western portion of the study area. This species is listed as a state rare or uncommon plant species by DNR. However, based on coordination with DNR, only large mature flowering chestnut trees are typically monitored. It is common to find small chestnut trees throughout portions of Montgomery County. The majority of these trees succumb to the chestnut blight before becoming mature and reaching a flowering stage.”

Reforestation efforts along the new right-of-way have an opportunity to consider use of native plants. This effort will be coordinated with SHA and M-NCPPC.

Comment #5

FEIS Page III-18, Section III-A.3b was revised accordingly.

Future land use in the State of Maryland is guided by the October 1997 “Smart Growth Neighborhood Conservation Initiatives.” The intent is to direct state funding for growth-related projects to areas designated by local jurisdictions as Priority Funding Areas (PFAs). PFAs are existing communities and other locally designated areas as determined by local jurisdictions in accordance with “smart growth” guidelines.

Comment #6

FEIS Section IV-K-3 includes discussions of the Air Quality including conformity with regional air quality analysis. As explained in SHA’s response to Comment 7 below, coordination has been ongoing with the Metropolitan Washington Council of Governments (MWCOG) since the circulation of the DEIS. MWCOG has concurred with the SHA Selected Alternate 7 Modified.

Comment #7

The MD 97 Brookeville Project has been processed in accordance with the Maryland Streamlined Environmental and Regulatory Process including coordination with the MHT. **Section II.B, Section III.B and Section V** (Section 4(f) Evaluation) includes MHT coordination.

On July 3, 2003, the MDP concurred with the final SACM, commenting that the SHA Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP also recommended that MDOT, SHA, and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works. **Section VI** of this FEIS includes the March, 2003 IAR meeting minutes and signed agency concurrence forms resulting from completion of the SACM component of the Maryland Streamlined Environmental and Regulatory Process.

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering
State Highway Administration

FROM: Wanda J. Brocato
Project Planning Division
State Highway Administration

DATE: January 18, 2002

SUBJECT: Interagency Review Meeting Follow-up

The following projects and/or topics presented at the January 16 Interagency Review (IAR) Meeting require follow-up coordination with the review agencies:

Project Presentations

MD 97 (Brookeville) – Courtesy Presentation of Recommended Alternative

- US Army Corps of Engineers (COE) (Paul Wettlaufer) and Department of Natural Resources (DNR) (Greg Golden) inquired about a large tree located in the millrace, whether it was classified as a significant tree (perhaps a Cherry tree), and if we had done a tree survey. State Highway Administration (SHA) (Darrell Sacks) indicated that a significant tree survey was done and SHA (Shannon Rousey) will look this to see if this particular tree was researched and will get back with Paul and Greg.
- COE (Paul Wettlaufer) asked if we could do a number count of the trees (Shingle Oaks) and included in the FONSI. SHA (Darrell) stated that we could do this for the Selected Alternative and will ask the consultant to do it once we have a selected alternative. DNR (Greg Golden) suggested that we include an estimate of the trees as a summary, and not do a detailed count. Greg suggested that it would also be a useful tool to show that SHA avoided Shingle Oaks.
- COE (Paul Wettlaufer) stated that they are okay with both Alternative 7 or 8. However, if Alternative 7 is selected he wants US Fish and Wildlife Service (USFWS) (Bill Schultz) to have input. Bill will review the underpass for wildlife passage (deer, etc.) specifically, the underclearance of any bridges. Also, for Alternative 7, Paul asked that we make the bridge long enough and high enough for a wildlife passage (i.e., 10-foot under clearance over benches on both sides of Reddy Branch). SHA should enhance the riparian buffer along the stream. SHA (Carmen Harris) will follow-up on these matters.

Ms. Cynthia D. Simpson
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- COE (Paul Wettlaufer) discussed a list of his recommendations (submitted to SHA) in order for COE to issue a permit. (He had previously listed similar concerns in a letter to SHA in 2000.) SHA (Carmen Harris and Shannon Rousey) will address these issues. SHA (Cheryl Jordan) was also given this list and will supply Paul with plans for stream mitigation for his review.

The next Interagency Review Meeting will be on **Wednesday, February 20.**

If you have any questions about this, please contact me at (410) 545-8569.

WJB

cc:

SHA

Mr. Joseph Finkle
Mr. Bruce Grey
Ms. Carmen Harris
Ms. Susie Jacobs
Ms. Cheryl Jordon
Mr. Joseph Kresslein
Ms. Gay Olsen
Ms. Cathy Rice
Ms. Shannon Rousey
Mr. Darrell Sacks
Mr. Robert Sanders
Mr. Douglas Simmons
Mr. Donald Sparklin
Mr. Jim Wynn

CONSULTANT

Ms. Noreen Kirkpatrick (G&O)

AGENCIES

Mr. Mohammed Ayub (MDE)
Mr. Phillip Bello (FHWA)
Mr. Harvey Bloom (BMC)
Mr. David Boellner (MDE)
Ms. Caryn Brookman (FHWA)
Mr. Rich Bulavinetz (COE)
Ms. Elizabeth Cole (MHT)
Mr. Bob Cooper (MDE)
Mr. Joseph DaVia (COE)
Mr. Steve Elinsky (COE)
Mr. Elder Ghigiarelli (MDE)
Mr. Greg Golden (DNR)
Mr. J. Hamilton (MDE)
Mr. Steve Harman (COE)
Ms. Fatimah Hasan (MDOT)
Ms. Susan Hinton (NPS)
Ms. Lisa Hoerger (DNR-CBCAC)
Mr. Larry Hughes (DNR)
Ms. Mary Huie (FHWA)
Mr. John Hurt (MDE)
Mr. Dan Johnson (FHWA)
Mr. Ron Kirby (MWCOCG)
Mr. Roland Limpert (DNR)
Ms. Dawn McCleary (DNR-CBCAC)
Mr. Sean McKewen (MDE)

Ms. Cynthia D. Simpson
Page 3

cc:

AGENCIES (Continued)

Ms. Jennifer Moyer (COE)
Ms. Cindy Nethen (MDE)
Mr. John Nichols (NMF)
Mr. Robert Pennington (USFWS)
Ms. Denise Rigney (EPA)
Ms. Barbara Rudnick (EPA)
Mr. Bill Schultz (USFWS)
Mr. Scott Smith (DNR)
Ms. Jamie Stark (EPA)
Ms. Esther J. Strawder (FHWA)
Mr. David Sutherland (USFWS)
Mr. Paul Wettlaufer (COE)
Ms. Denise Winslow (FHWA)
Mr. David Whitaker (MDP)
Ms. Cynthia Wilkerson (NPS)
Ms. Bihui Xu (MDP)
Mr. Robert Zepp (USFWS)

**BROOKEVILLE BYPASS – CONCEPTUAL MITIGATION
MEETING MINUTES**

Project: MD 97 Brookeville Bypass Project

Subject: Conceptual Mitigation Meeting

Date: February 8, 2002

Location: Longwood Community Center

Attendees: Mr. Paul Wettlaufer, United States Army Corps of Engineers
Mr. Bill Schultz, United States Fish and Wildlife Service
Mr. Brian Bernstein, KCI Technologies, Inc.

The following issues were discussed as part of a site visit to the MD 97 study area on February 8, 2002. Attendees included Mr. Paul Wettlaufer from the United States Army Corp of Engineers (ACOE), Mr. Bill Schultz from the United States Fish and Wildlife Service (USFWS) and Mr. Brian Bernstein from KCI Technologies, Inc. (KCI). The group met in the field to discuss various conceptual mitigation issues associated with the bypass project. The first set of issues (in italics) are those raised by the ACOE as part of SHA Interagency Review Meeting on January 16, 2002. Responses to these issues are described immediately below each issue.

ACOE Mitigation Requirements

- 1. Need a bench for wildlife on each side of the stream at the crossing of Reddy Branch. The bridge will have 9-foot under clearance. It would be desirable to acquire some replacement parkland here to maintain a riparian wildlife corridor. Also, to reestablish a riparian corridor, need to remove pavement on the portion of MD 97 in the floodplain which is being abandoned. (The historic bridge can remain).*

Response 1. Based on discussions with both Mr. Wettlaufer and Mr. Schultz, the 9-foot underclearance is to be measured from top of stream bank to the bottom of the bridge. In addition, the bench should be at least 4 feet wide along each side of the stream. The concept of acquiring replacement parkland to maintain a wildlife corridor was also discussed. Mr. Bernstein mentioned that he would discuss this further with the Maryland State Highway Administration. The removal of pavement is already shown as an option for both Alternative 7 and 8B.

2. *Need to discuss a dry cell for critter passage at the culvert for Meadow Branch. This 240-foot culvert would eliminate several meanders, reducing the stream reach by approx. 85 feet, and increasing the gradient of the stream through the culvert. Concerns are head cutting, fish passage, flooding, reduction in groundwater recharge/discharge functions, loss of 240 feet of benthic invertebrate and fish habitat, obstruction of the riparian wildlife corridor, reduction in nutrient retention and sediment retention functions by the filling of one acre of floodplain, and culvert obstruction by woody debris. Possible mitigation measures include wetland and floodplain restoration or creation, removal of existing culverts, stormwater retrofits in the Olney Mills subdivision upstream, stream stabilization /restoration/reforestation, acquisition of replacement parkland along Reddy Branch, and construction of a longer bridge over Reddy Branch.*

Response 2. The group walked along Meadow Branch from its confluence with Reddy Branch, as well as throughout the Meadow Branch watershed. There were no obvious stormwater management retrofit opportunities identified. The most likely stream restoration opportunities are as follows:

physical restoration opportunities (grading, bioengineering, etc.) are limited to an area immediately upstream and downstream of where the culvert would be placed. Including the width of the culvert, the total restoration area is approximately 600 to 700 linear feet.

other restoration opportunities may involve plantings, including the placement of willow and dogwood cuttings along various open sections of Meadow Branch. Likely areas are especially obvious along the lower end of the Meadow Branch watershed (from Olney Mill Road downstream to Brookeville Road).

Mr. Wettlaufer stated that if this mitigation was approved by Maryland Nation Capital Parks and Planning Commission (MNCPPC), it would meet the ACOE's mitigation requirements. Mr. Schultz concurred as well.

3. *Are retaining walls going in on Alt. 7, closed section? These helped minimize impacts to Shingle Oak. Let's get a better handle on how many shingle oak are actually impacted.*

Response 3. Brian Bernstein described where the shingle oaks are located including other areas within the study area. He also mentioned that SHA will request KCI to determine the numbers of shingle oaks to be impacted by the selected alternative.

4. *Mitigation for loss of 700 feet of stream at the south end of the project.*

Response 4. This area in question is the unnamed ephemeral channel that begins along the north end of the ballfields at Longwood Community Center and extends in a northwesterly direction until it's confluence with Meadow Branch. The group walked the

channel to better understand the source of hydrology and how much of the channel would be impacted from any of the western alignments (at this part of the study area, all three western alternatives share the same alignment).

Since the majority of the channel is likely to be impacted from the bypass, there are minimal restoration efforts that can be proposed for this area. Depending on the limit of disturbance, only one area was identified that may be considered further. This area is immediately downstream of the outfall extending from the ballfields. Likely mitigation would include creating a basin to slow the flow extending from the outfall. The feasibility of this will depend on determining the actual impact associated with the alignment. This determination could not be based on the existing flagging present on site but instead would require that the actual limit of disturbance be flagged instead.

Other Issues

Mr. Bernstein showed both the ACOE and USFWS a potential wetland mitigation site along Brighton Dam Road. The area is an open field, totaling approximately 1.25 acres, and is immediately adjacent to Reddy Branch. A section of stream along the field is highly eroded. Mr. Bernstein proposed the idea of stabilizing the streambanks while at that the same time creating a small floodplain wetland. The wetland would ideally provide some flood flow alteration as well as other functions and values impacted during the construction of the selected alternative. Both Mr. Wettlaufer and Mr. Schultz agreed the mitigation opportunities were valid and should be pursued.

The group discussed the fact that all the potential mitigation discussed is in parkland owned by MNCPPC and that their final approval of the mitigation efforts would be needed. Mr. Bernstein stated that he was in the process of organizing a meeting with MNCPPC to review the potential mitigation opportunities.

Mr. Bernstein also asked what level of detail the ACOE and USFWS would require as part of the conceptual mitigation for the Final Environmental Impact Statement (FEIS) and permitting. Mr. Wettlaufer stated that a letter from the landowner (in this case, MNCPPC) agreeing to the mitigation on their land would suffice. In addition, a general description of what was proposed including a description of each area would be needed. No formal design plans are required as part of the conceptual mitigation package for the FEIS.

We believe that the above accurately reflects what transpired at this meeting. However, we will appreciate comments involving a difference in understanding of what occurred. Unless we are notified in writing to the contrary within ten days after receipt, we will assume that all in attendance concur in the accuracy of this transcription.

Cc: All Attendees
Shannon Rousey, SHA
Carmen Harris, SHA
Cheryl Jordon, SHA

MARYLAND ENVIRONMENTAL TRUST

March 18, 2002

Mr. Douglas Simmons, Director
Office of Planning and Preliminary Engineering
State Highway Administration, PO Box 717
Baltimore, MD 21203-0717

Dear Mr. Simmons:

Thank you for your letter of February 22nd regarding the MD 97 Brookeville bypass project. The Board of Trustees of the Maryland Environmental Trust considered your request at its March meeting and offers some changes to the easement along the bypass to make possible achievement of the objective of ensuring denial of access to it.

When we first reviewed the proposal last summer, we were concerned that the objective sought could be defeated by the merger doctrine, which holds that a recorded owner of property cannot hold an easement in the same property. Accordingly, we asked the Office of the Attorney General to advise us.

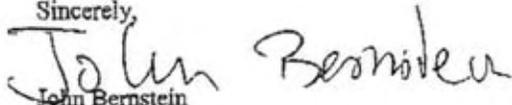
The response is attached. It advises that there is a merger issue, since the Department of Transportation and the MET are both agencies of the State, which will hold title to the roadway. Although there are no cases in Maryland addressing whether the common law merger doctrine applies to State agencies, she concludes that MET does not have the power to sue another State agency, and therefore could not enforce an easement against another State agency in a court.

Therefore, we suggest the following changes to the Letter of Commitment and Memorandum of Understanding:

- (1) It should allow MET to assign or co-hold the easement with another land trust that is not an instrumentality of the State, in order to ensure the permanency of the easement.
- (2) The easement should be on a strip of land *in private ownership* that is *outside* the right of way for the roadway. This could be achieved by acquisition of a narrow easement outside the right-of-way and granting it to MET with a "no access" provision. This would enable MET and/or a co-holder of the easement to enforce the easement against anyone seeking to cross it to obtain access or connection to the roadway even if SHA should agree to grant access.

The Board of Trustees has approved the approach described above. Please call me (410-514-7903) or Jim Highsaw of our staff (410-514-7909) if you have any questions.

Sincerely,


John Bernstein
Director

Cc: Carmeletta Harris

MARYLAND ENVIRONMENTAL TRUST

Memorandum

TO: MET Board of Trustees

FROM: Shaun Fenlon, OAG

VIA: John Bernstein JB

DATE: August 27, 2001

RE: **Brookeville Bypass Easement and Merger Issues**

The Board requested the opinion of the Attorney General on the question of whether an MET easement on SHA lands could be effective or enforceable. Here is my answer; note that this is not an opinion of the Attorney General.

I believe the answer can be broken down in to two parts, a discussion about merger and a reminder about the inability of MET to sue other state agencies. I view the merger discussion as going to the issue of whether an easement is effective. The inability of MET to sue other agencies means that an easement is unenforceable, even if it effective. For purposes of this answer, remember that MET is a state agency. 59 Opinions of the Attorney General 601, 602 (1974) (stating "the Maryland Environmental Trust is a state agency"); 76 Opinions of the Attorney General (May 31, 1991) (MET is fiscally dependant and supervised by the State).

As you know, the merger doctrine is well established in Maryland. Orfanos Contractors v. Schaefer, 582 A.2d 547, 85 Md. App. 123 (a recorded owner of property cannot hold an easement in the same property). However, there are no cases in Maryland addressing whether the common law doctrine applies to state agencies. In Guy v. State, 438 A.2d 1250, 1252-53 (1979), a Delaware court concluded that an easement to one agency of Delaware merged into the fee simple interest later acquired by another state agency. The state of Delaware argued that the fee simple interest of the Department of Natural Resources should not have extinguished the "daylighting" easement held by the Delaware Highway Department. However, the court rejected the argument, reasoning that the state agencies act for the benefit of the citizens of Delaware.

There are a number of other arguments, which may or may not be persuasive to a court, including:

1. the common law doctrine of merger should not affect a state agency;
2. if the parties, especially two state agencies, initially intend a document to be effective notwithstanding the possible effect of merger, then it should be effective, because merger is a doctrine to interpret the intent of parties and it should not be made into a restraint on alienation; and
3. if the General Assembly mandates an easement from one state agency to another, then that should override the common law doctrine.

As you know, I've long believed that this issue has good enough arguments on each side that I cannot predict what a Maryland appellate court would decide. However, I do believe that MET has a better argument in the circumstance where MET will be receiving an easement from a state agency (versus when a state agency later acquires the fee simple interest on a property already encumbered with an easement).

Assuming that an easement is not merged and remains effective between two state agencies, the next question is whether one agency (MET) can sue another one. The answer is simple. MET does not have the power to sue another state agency. 57 Opinions of the Attorney General 352 (1972); therefore, even if an easement is not merged, MET cannot enforce an easement against another state agency in a court.

Aside from the merger issue and the inability to sue another state agency, there are some important practical considerations. First, as long as SHA will own the property, the easement will operate like an MOU between two state agencies. In this sense, if SHA ever violates the terms of the easement, MET can argue within the political system that another state agency is violating its agreement. The argument would never go to court, but the easement would give MET an opportunity to persuade the right people in the Executive and Legislative branches.

2. The Board also asked if land-owners adjoining a state highway had a statutory right to access to the highway. I have never heard of any such provision, but I will ask an AAG at SHA about this concept. If I am not satisfied with the answer from SHA, I will research it myself.



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

RECEIVED
DEC 06 2002

Ans'd.....

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and Preliminary Engineering

FROM: Joseph R. Kresslein *JK*
Assistant Division Chief
Project Planning Division

DATE: December 3, 2002

SUBJECT: Project No. MO746B11
MD 97 Brookeville Study
Montgomery County, Maryland

RE: Agency and SHA Field Review

The purpose of the meeting, held on September 20, was to review the new alignment for Alternate 7 Modified, the SHA recommended alternate, and discuss those areas where avoidance or minimization options such as bridges or other structures are proposed. The field review also provided the opportunity for SHA design divisions to comment on issues associated with the mitigation commitments that will become stipulations' in the Section 404 permit.

Those in attendance included the following:

ATTENDEES

- Mr. Max Azizi, Federal Highway Administration (FHWA)
- Ms. Mary Barse, SHA-Project Planning Division (SHA-PPD)
- Mr. Brian Bernstein**, KCI Technologies (KCI)
- Mr. Stephen Ches, SHA-Office of Highway Design (SHA-OHD)
- Mr. Prakash Dave, SHA-Office of Bridge Design (SHA-OBDD)
- Mr. Dan Hardy, Maryland National Capital Park & Planning Commission (MNCPPC)
- Ms. Carmen Harris, SHA- Project Planning Division (SHA-PPD)
- Mr. Don Hoey, SHA-Environmental Programs Division (SHA-EPD)
- Mr. Steve Hurt, McCormick Taylor & Associates for Maryland Department of the Environment
- Ms. Denise King, Federal Highway Administration (FHWA)

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
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Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Cynthia D. Simpson
MD 97 Brookeville Study
Page Two

Mr. Ruel Manuel, SHA- Project Planning Division (SHA-PPD)
Mr. Andy Parker, AD Marble (ADM)
Ms. Shannon Rousey, SHA- Project Planning Division (SHA-PPD)
Ms. Barbara Rudnick, US Environmental Protection Agency (EPA)
Mr. Bill Schultz, US Fish & Wildlife (USFWS)
Dr. Jim Sorensen, Maryland National Capital Park & Planning Commission (MNCPPC)
Ms. Rita Suffness, SHA-Project Planning Division (SHA-PPD)

Shannon Rousey began the meeting with introductions. Carmen Harris provided an overview of Alternate 7 Modified for those who did not attend the August interagency meeting. Shannon then asked if there were any questions/comments or areas of concern that needed to be addressed prior to starting the field portion of the meeting. No questions were asked.

The group decided to start the field walk at the Newlin's Mill archeological site to allow some in attendance to leave after reviewing the site. Dr. Sorensen and Mary Barse gave an overview of the archeological site, discussing the features that were present and the significance of those features. Mary pointed out the proposed location of Alternate 7 Modified, in comparison to original Alternate 7, which directly impacted the site. It was mentioned that the archeological site is well preserved and intact. Dr. Sorensen gave a brief history of the Newlin's Mill and Oakley Cabin. Mary provided an overview of the Mill race system and how it worked. This concluded the archeological portion of the field review. At this point, Denise King and Max Azizi of FHWA, Dr. Sorensen, Mary Barse and Rita Suffness departed and the rest of the group continued on the field review.

Brian Bernstein led the group across Brookeville Road to look at the area of MD 97 that will be closed to traffic. Discussions ensued over the plans for the Reddy Branch bridge on MD 97 near the Brookeville Road intersection. Carmen Harris noted that the bridge is not historic and there have not been any decisions on whether or not the bridge will be removed. Steve Ches suggested that the bridge could stay for future pedestrian use. This area has been subject to flooding in the past, and Don Hoey suggested that if hydraulically sound, the bridge and roadway (including embankment) could be removed and could serve as floodplain mitigation. It was also noted that an existing bridge on Brookeville Road over Reddy Branch, upstream of the bridge over MD 97, is also likely to contribute to flooding within the area. At a prior Interagency Review Meeting, both DNR and US Army Corps of Engineers (ACOE) mentioned that they would prefer some of the impervious roadway surface removed and replaced with natural surfaces. SHA agreed to further consider the request as a mitigation option.

The next site visited was the proposed location of the bridge over Reddy Branch. Dan Hardy noted that MNCPPC would like to see the bridge extended to allow for wildlife passage, with a natural surface under the bridge. Dan also mentioned that MNCPPC would also like to see the area beneath the bridge accommodate pedestrian and bicyclist passage, as well. Bill Schultz had no objection to an extended bridge, and questioned why there is a sag in the vertical alignment

Ms. Cynthia D. Simpson
MD 97 Brookeville Study
Page Three

profile where the stream is located. A reduction in floodplain impacts was cited, along with geometric considerations regarding the tie-in points. Bill requested additional information regarding the justification for the tie-in points. The height of the bridge was discussed, and it was suggested that a longer bridge with a pier be considered. Prakash Dave mentioned that for every foot the bridge is raised, it would make the bridge four (4) feet longer. Both Prakash Dave and Don Hoey had mentioned that with a longer bridge, the pier may need to be placed in the middle of the stream, increasing the potential for impacts to the stream, and would require more scour protection. Bill Schultz then suggested a combination of a bridge and culverts. Dan Hardy suggested that a series of dry-cell culverts could be used for wildlife passage. Shannon Rousey asked Dan if MNCPPC would support fencing that funnels the wildlife into the culverts. Dan replied that he did not think it would be a problem. A discussion of the range of bridge options and clearances continued among the group. Dan Hardy suggested several shorter span bridges, citing that the cost would most likely be lower with the several short span bridges. Bill suggested a shorter span bridge with culverts. Prakash expressed concern with the suggestion of a 20-foot box culvert, but suggested that two 10-foot boxes may be possible.

Originally, Bill Schultz requested 9 feet of underclearance beneath the bridge and a 25-foot bank on each side. He ultimately agreed to a 25-foot embankment on one side with an 8-foot underclearance on that same side of the stream, but requested additional information from SHA regarding previous studies on wildlife passages and requirements before rendering a final decision. In a meeting held after the field review the Office of Bridge Design agreed that SHA could accommodate an 8.5-foot underclearance and the 25-foot embankment on one side of the stream to address the USFWS request. A follow-up meeting with the MD 97 team and SHA's Bridge Design Division is scheduled for November 27.

The field review then moved to the proposed Meadow Branch crossing. Dan Hardy had mentioned that at the Planning Board meeting the night before, Montgomery County was in favor of a bridge over Meadow Branch. In previous conversations it was mentioned that the ACOE recommended a dry cell culvert, while the SHA design included two dry cell culverts at this location. Prakash Dave indicated that this would be further evaluated and that a follow-up meeting would be scheduled with MNCPPC. Brian provided an overview of mitigation options that have been discussed with MNCPPC, USFWS, ACOE and DNR. Stream restoration was a major mitigation topic, since so many areas of the stream were degraded. Brian identified areas that were good candidates for the restoration, such as areas south of Brookeville Road in Meadow Branch and in Reddy Branch in the area adjacent to the field off of Brighton Dam Road. He also noted that the limits of the stream restoration could change based on further studies.

Ms. Cynthia D. Simpson
MD 97 Brookeville Study
Page Four

Brian Bernstein, Shannon Rousey, Barbara Rudnick, Steve Hurt and Bill Schultz continued to a proposed wetland mitigation location near Brighton Dam Road. At the site, which is an open field, Brian explained that MNCPPC owned the property and had verbally expressed their preference for SHA creating wetland mitigation and stream restoration in the area. Everyone agreed that it would be a suitable location for the mitigation. SHA will continue coordination with MNCPPC regarding mitigation throughout the planning process.

cc: Attendees
Ms. Danelle Bernard, SHA-OBD
Mr. Ken Briggs, SHA-OHD
Ms. Elizabeth Cole, MHT
Mr. Earle Freedman, SHA-OBD
Mr. Elder Ghigiarelli, MDE
Mr. Greg Golden, DNR
Ms. Karen Kahl, RKK
Ms. Jamaica Kennon, SHA-PPD
Mr. Joseph R. Kresslein, SHA-PPD
Mr. Kirk McClelland, SHA-OHD
Mr. John Nichols, USMFS
Mr. Bob Simpson, Montgomery County
Ms. Cynthia Wilkerson, NPS
Ms. Bihui Xu, MDP



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Carmeletta T. Harris
Project Engineer
Project Planning Division *Jamaica Kennon for*

DATE: February 19, 2002

SUBJECT: MO746B11
MD 97 Brookeville Project
Montgomery County

RE: January 17, 2002 Smart Growth Meeting

The meeting began with brief introductions. The following people were in attendance:

NAME	ORGANIZATION	PHONE	EMAIL
John Frece	Office of Smart Growth	4109745292	Jfrece@gov.state.md.us
Bruce Grey	SHA-PPD	4105458540	Bgrey@sha.state.md.us
Don Halligan	MDOT	4108651294	Dhalligan@mdot.state.md.us
Dan Hardy	M-NCPPC	3014954530	Dan.hardy@mncppc-mc.org
Carmen Harris	SHA-PPD	4105458522	Charris@sha.state.md.us
Melissa Kosenak	SHA-PPD	410545816	Mkosenak@sha.state.md.us
Joe Kresslein	SHA-PPD	4105458550	JKresslein@sha.state.md.us
Rich Kuzmyak	Office of Smart Growth	4107672631	Rkuzmyak@gov.state.md.us
Shannon Rousey	SHA-PPD	4105452864	Srousey@sha.state.md.us
Cynthia Simpson	SHA-PPD	4105458500	Csimpson@sha.state.md.us
Ed Strocko	MDOT	4108651307	Estrocko@mdot.state.md.us
Denise Winslow	FHWA	4109624342	Denise.winslow@fhwa.dot.gov
Jim Wynn	SHA-PPD	4105458520	Jwynn@sha.state.md.us
Bihui Xu	MDP	4107859528	Bxu@mdp.state.md.us

The purpose of the meeting was to verify that the MD 97 Brookeville alternates complied with the Smart Growth criteria designated for this project.

My telephone number is _____

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1-800-735-2258 Statewide Toll Free

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Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MD 97 Brookeville Smart Growth Meeting
January 17, 2002
Page 2

Carmen Harris began by reviewing the Smart Growth Criteria designated for the MD 97 Brookeville Project and how they have been addressed. The criteria are as follows:

- 1) "Under local ordinance, the county is to adopt, through appropriate enforceable action, restrictions that will prevent the bypass from allowing sprawl development. Any capacity a bypass might add to the network cannot be used to allow development outside the current boundaries of the Town of Brookeville."
Montgomery County has amended their Annual Growth Policy to discourage growth along the alternates.
- 2) "A permanent easement to be held by an entity such as the Maryland Environmental Trust must border the entire roadway to ensure that no future access, widening, or connection to the bypass is possible."
SHA currently drafting a Letter of Agreement for MET."
- 3) "If for any reason these controls fail, Montgomery County will reimburse the State for the full cost of the bypass."
Hopefully will not need to be addressed.
- 4) "Montgomery County, the Maryland department of transportation and Howard County Governments must work out a safe traffic calming point north of the bypass to limit future traffic to the current capacity of MD 97 through Brookeville."
Accomplished with the design of roundabouts north of Brookeville.

Ms. Harris then summarized the citizen comments including testimony given at the October 3rd Location/Design Public Hearing. Citizen testimony and comments supported both alternates 7 and 8B.

Ms. Harris then reviewed the alternates. She explained that at the December 13th Team Meeting, the Team agreed to drop alternates 5C and 8A from consideration for several reasons, including cost, environmental impacts, and socio-economic impacts. Therefore, at this point, we are carrying both alternate 7 and alternate 8B. The COE is agreeable to either alternate 7 or 8B.

Ms. Harris stated that the purpose of this meeting was to get input from the Maryland Department of Planning (MDP), the Governor's Office of Smart Growth and MDOT verifying that both alternates 7 and 8B complied with the Smart Growth criteria set forth for this project.

Ms. Xu stated that MDP supported alternate 8B because they did not think that alternate 7 complied with the Smart Growth Criteria. In addition, she commented that MDP had concerns about potential high speeds on the bypass. Posted speed of the bypass would be between 35 mph and 40 mph for any of the alternates.

Rich Kuzmyak stated that he did not think that any of the proposed alternates would cause an increase in speed along the bypass.

John Frece stated that the Governor's Office of Smart Growth agrees that all four alternates comply with Smart Growth. Mr. Frece also stated that Condition #3, "If for any

MD 97 Brookeville Smart Growth Meeting
January 17, 2002
Page 3

reason these controls fail, Montgomery County will reimburse the State for the full cost of the bypass" would be very difficult to enforce. He suggested putting on paper how this condition would be enforced.

Mr. Kuzmyak stated that from a transportation standpoint, alternate 7 makes the most sense and could potentially better calm traffic than alternate 8B. Ms. Harris stated that alternate 7 cuts the Mill Race in half whereas alternate 8B could cross over the Mill Race.

Ms. Xu stated that she would support traffic calming measures such as narrower lane widths along the bypass. She also reiterated her position that although alternate 7 is relocating the access to Brookeville, that it is still an access to Brookeville, therefore she does not believe that it complies with the Smart Growth criteria for this project.

Other issues associated with alternate 7 include the disruption to the rural and rustic nature of Brookeville Road that a roundabout would create. As well as the potential increase in east west traffic along Brookeville Road.

Dan Hardy stated that preliminarily, he would support alternate 7, however, he wanted to know more about the impacts to the Mill Race before he would formally give a preference.

SHA staff will prepare a cost estimate for Phase II Archeology.

Denise Winslow stated that at this time, FHWA legal was leaning toward alternate 7 due to the visual impacts to the historic district caused by alternate 8B. However, FHWA has not yet had the opportunity to review issues related to the Mill Race.

The team agreed to look into a revised alternate 7 that would be located further from Islander Street and have less impact on the Mill Race.

The team agreed that neither a four-way stop nor a fly over ramp were reasonable. The team also agreed that the bypass should not allow for future widening of MD 97 either north or south of the study area.

Ms. Xu stated that she would revisit the alternate with her staff in light of the Governor's Office of Smart Growth verifying that all four alternates comply with the Smart growth criteria set forth for this project.

FOLLOW UP ITEMS:

SHA will look into a revised alternate 7 that would be located further from Islander Street and have less impact on the Mill Race.

SHA will prepare a cost estimate for Phase II Archeology.

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



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

MEMORANDUM:

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Carmeletta T. Harris
Project Manager
Project Planning Division

A handwritten signature in black ink, appearing to read 'Carmeletta T. Harris', is written over the printed name in the 'FROM' field.

DATE: March 25, 2003

SUBJECT: MD 97 Brookeville Project
Montgomery County
Project No. MO746B11

RE: Meeting with USCOE, USF&WS, MDE
to discuss mitigation at Reddy Branch.

A meeting was held on Wednesday, March 19, 2003 in the Project Planning Conference Room. The purpose of the meeting was to discuss mitigation requirements, and the proposed structure over Reddy Branch with the resource agency representatives for the MD 97 Brookeville project. More specifically, the meeting focused on comments made at the Interagency Review Agency regarding wildlife passage mitigation.

Those in attendance included the following:

- Mr. Nick Blendy, SHA-PPD
- Ms. Danelle Bernard, SHA-Bridge Design
- Mr. Joe DaVia, Army COE
- Ms. Carmeletta Harris, SHA-PPD
- Mr. Steve Hurt, consultant for MDE
- Ms. Karen Kahl, RK&K (via conference call)
- Mr. Bill Schultz, USF&WS
- Mr. Alvaro Sifuentes, SHA-PPD
- Mr. Paul Wettlaufer, Army COE
- Mr. Jim Wynn, SHA-PPD

My telephone number/toll-free number is _____
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MD 97 Brookeville Project
In-House Agency meeting
Page 2

Carmeletta Harris explained to the group the status of the proposed bridge design focusing on the Comparison of Alternate 7M with Different Grades matrix that was distributed (See Attachment). SHA's recommended design at Reddy Branch stream is the 0.8% grade that allows for a horizontal clearance of 25' and a vertical clearance of 8.5' for wildlife passage on the south side of the structure and a horizontal clearance of 10' on the north side of the Reddy Branch stream structure. Paul Wettlaufer of the US Army Corps of Engineers (ACOE) and Bill Schultz of the USF&WS had earlier commented that both were under the impression that the desired vertical clearance was on the north side of the alignment. Carmen explained that the 8' clearance on the south side of the bridge was discussed at the September 2002 agency field view and thought that SHA had received verbal approval by representatives from the agencies.

Karen Kahl via conference call, explained that an 8' vertical clearance on the north side of the structure at Reddy Branch Stream would not be able to be achieved using the 0.8% grade that was developed to minimize overall impacts and costs. Discussions regarding engineering criteria and drainage associated with roadway tie-ins including the roundabout, balancing earthwork, and the potential for additional impacts to the nearby wetland and the archaeological site.

Jim Wynn offered that SHA and RK&K would evaluate the vertical clearance on the north side of the structure at Reddy Branch. Karen reminded everyone that the conceptual engineering is based on 2 foot contour mapping and this needs to be considered. It was agreed that an engineering comparison of reduced grades and possibly shift of the structure would occur, in addition, Karen would provide an analysis sheet that would include the environmental impacts.

Additional items discussed included the potential for reducing the slope of the stream embankment along the south side of Reddy Branch to encourage deer passage to paths of least resistance rather than any consideration of fencing or ditching that could impact the historic setting. If the results from the study show that the northern clearance cannot be achieved, the flattening of the slopes of the stream embankment along the south side would be use as mitigation and would be included in the SHA Selected Alternate and Conceptual Mitigation Package.

It was also agreed that the removal of the existing MD 97 Bridge near Reddy Branch would benefit wildlife passage along both sides of the Reddy Branch stream and should be consistent with MNCPPC's overall plans for the area. The ACOE would still like to have MNCPPC agreement on proposed mitigation. Nick Blendy indicated that this is ongoing for wetland mitigation and stream restoration, and possibly the wildlife passage issue depending on the timing and outcome of RK&K's bridge elevation comparison.

MD 97 Brookeville Project
In-House Agency meeting
Page 3

Carmen requested that RK&K provide preliminary results by March 27th. It was also agreed that SHA would contact the agencies to discuss the results of the findings with respect to the north side evaluation of the proposed Reddy Branch Stream structure. As appropriate, this information would be incorporated into the final SHA Selected Alternate and Conceptual Mitigation Package in April.

cc: File w/incoming
Attendees
Mr. Bruce Grey, Deputy Division Chief, State Highway Administration
Ms. Susie Ridenour, Division Chief, Environmental Programs Division, State Highway Administration
Mr. James Wynn, Assistant Division Chief, State Highway Administration

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Wanda J. Brocato 
Project Planning Division

DATE: March 28, 2003

SUBJECT: Interagency Review Meeting Follow-up

The following projects and/or topics presented at the March 19 Interagency Review (IAR) Meeting require follow-up coordination with the review agencies:

Project Presentations

MD 97 Brookeville – Selected Alternative/Conceptual Mitigation

- Federal Highway Administration (FHWA) (Denise King) needs to ask ACHP if they want to be a participant in the MOA. State Highway Administration (SHA) (Carmen Harris/Nick Blendy) will send Denise an information package for the ACHP.
- U.S. Army Corps of Engineers (COE) (Paul Wettlaufer) will concur with this package, but will need a letter from MNCPPC approving exact locations of mitigation on their property before the COE would issue a permit. U.S. Fish and Wildlife Service (USFWS) (Bill Schultz) will also need a copy of the letter from MNCPPC approving exact locations of mitigation on their property. SHA (Carmen Harris/Nick Blendy) will follow-up on this matter.
- COE (Paul Wettlaufer) requested that the wildlife bench be put on the north side, not the south side. USFWS (Bill Schultz) supported this and indicated that this could affect his submitted concurrence. SHA (Carmen Harris) will take another look at this matter and get back with the agencies.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Ms. Cynthia D. Simpson
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If you have any questions about this, please contact me at (410) 545-8569.

WJB

cc:

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Mr. Joseph Finkle
Mr. Bruce Grey
Ms. Carmen Harris
Ms. Susie Jacobs
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Mr. Darrell Sacks
Mr. Robert Sanders
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AGENCIES

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Mr. Phillip Bello (FHWA)
Mr. Harvey Bloom (BMC)
Mr. David Boellner (MDE)
Ms. Caryn Brookman (FHWA)
Mr. Rich Bulavinetz (COE)
Ms. Elizabeth Cole (MHT)
Mr. Bob Cooper (MDE)
Mr. Joseph DaVia (COE)
Mr. Steve Elinsky (COE)
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Mr. Greg Golden (DNR)
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Mr. Steve Harman (COE)
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Ms. Cynthia D. Simpson
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cc: (Continued)

CONSULTANT

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Ms. Susan Hinton (NPS)
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Mr. Larry Hughes (DNR)
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Mr. Steve Hurt (MDE)
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Mr. Scott Smith (DNR)
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Ms. Esther J. Strawder (FHWA)
Mr. David Sutherland (USFWS)
Mr. Paul Wettlaufer (COE)
Mr. David Whitaker (MDP)
Ms. Bihui Xu (MDP)
Mr. Robert Zepp (USFWS)

**MD 97 BROOKEVILLE
TRANSPORTATION STUDY
MONTGOMERY COUNTY, MARYLAND**

PROJECT NO. MO746B11

**ALTERNATE 7 MODIFIED
CONCURRENCE DOCUMENT
SELECTED ALTERNATE AND CONCEPTUAL MITIGATION**

MAY 2003

MARYLAND STATE HIGHWAY ADMINISTRATION

**MD 97 BROOKEVILLE
Transportation Study**

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PURPOSE AND NEED

The purpose and need for this project is to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Existing Conditions

Brookeville is a unique town because of its relatively unaltered period architecture; it's pristine and tranquil setting and its tie to our country's history. Currently, Brookeville's quaint, curving streets and enveloping trees distinguish the area from the modern and encroaching development of areas such as Olney. Brookeville residents are concerned that the resulting traffic volume increases will alter the historic character of their town.

MD 97 is an arterial highway serving the east Montgomery County corridor and central Maryland from Washington, D.C. and the Capital Beltway to I-70 in Howard County. MD 97 is functioning as a major north-south commuter route between the employment areas in and surrounding Washington, D.C. and the residential communities north of Brookeville, including upper Montgomery County, Howard, and Frederick counties.

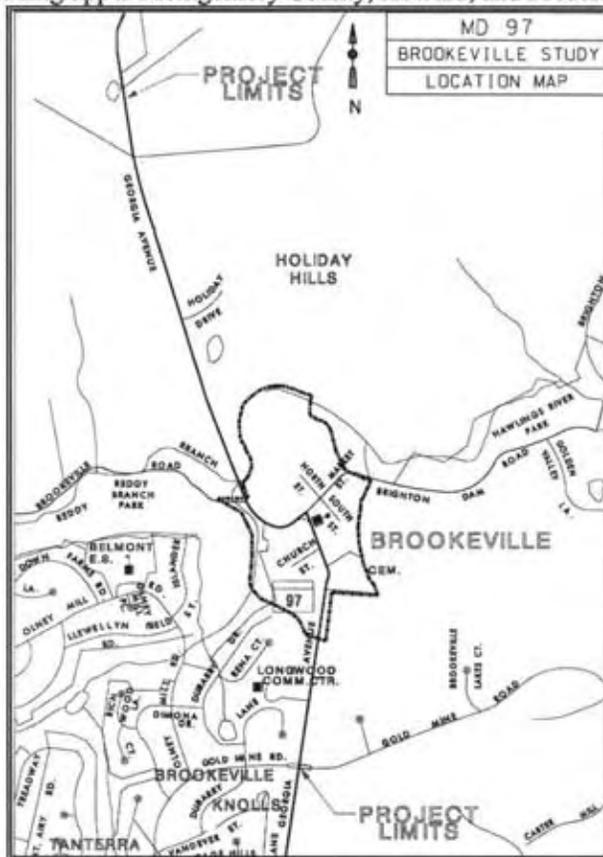


Figure 1
Brookeville, Maryland

In Brookeville, MD 97 has a sharp “dog-leg” bend in its horizontal alignment accompanied by sharp curves in its vertical alignment. The resulting geometrics are substandard in design. North of the study area, MD 97 is a two-lane roadway with 11 to 12 foot lane widths, with 0 to 5 foot shoulders and right-of-way widths of 40 feet. However, less than one mile south of the study area (southern project limit, see Figure 1) traffic demand has necessitated the improvement of MD 97 to a multi-lane divided roadway from Olney to Washington, D.C. No access controls are in place.

Traffic

Average Daily Traffic

Average Daily Traffic (ADT) volume along the MD 97 study section for 1995 was approximately 9,000 vehicles per day (VPD) south of Brookeville and 8,500 VPD north of Brookeville. Trucks account for 5% of the traffic volume. The forecasted ADT for the design year 2020 is approximately 18,000 VPD south of Brookeville and 17,000 VPD north of Brookeville.

Level of Service

Based on 1996 traffic data, MD 97 currently operates at a Level of Service (LOS) “C” north of Brookeville and “D” south of Brookeville under current traffic conditions. In the design year of 2020 the roadway will operate at a LOS “D” north of Brookeville and “E” south of Brookeville.

The “T” intersection operates at a LOS “D” which indicates long queues of vehicles waiting in turn to pass through the intersection. The LOS, together with the “stop” controlled intersection, results in the degradation of Brookeville’s historic character and small town ambiance as the vehicles waiting in queue contribute to both noise and air pollution. Several structures that contribute to the historic integrity of the town are situated very close to the roadway. Air pollution is a potential source of deterioration to the exterior of several structures. In addition, vibrations from the passing traffic endanger the integrity of these structures.

Accident History

The accident history from 1991 to 1993 in the project area shows a total of 25 reported accidents. The total average accident rate for the study area was 140.1 accidents for every one hundred million vehicle miles of travel (acc/100mvm). This accident rate is approximately 27% lower than the statewide average rate of 192.5 acc/mvm for all similarly designed highways now under state maintenance.

Approximately 33% of all accidents resulted from rear end collisions, 25% from collisions with fixed objects, and 10% from collisions with parked cars. None of these rates are significantly higher than the statewide average rate for each type of collision. Of the total number of accidents, 52% involved personal injuries and 48% involved some property damage. There were no fatal accidents within the study area. Approximately

60% of all of the accidents reported were the result of excessive speed or a failure to reduce speed. The rear end accidents and failure to reduce speed are certainly contributed to the stop condition along MD 97.

ALTERNATES PUBLIC WORKSHOP

The Maryland State Highway Administration (SHA) held an Alternates Public Workshop on June 8, 2000 at the Rosa M. Parks Middle School. The purpose of the workshop was to inform the public that the project had been re-initiated, to present the compliance criteria that is consistent with the intent of the Smart Growth legislation, to reintroduce the public to the alternates previously presented and to gather public input on new alternates that were developed. The SHA presented concepts for public comment and representatives from SHA, the Town of Olney, and Montgomery County received comments and answered questions asked by those in attendance. Approximately 117 people attended the Public Workshop.

Following the Alternates Public Workshop, SHA, in coordination with the Federal Highway Administration (FHWA), reviewed both citizen and agency comments to determine which alternates should be studied in detail and which alternates should be eliminated.

ALTERNATES RETAINED FOR DETAILED STUDY

Based on comments received from Federal and State agencies, alternates were identified for detailed study. The Alternates Retained for Detailed Study (ARDS) were developed in more detail and presented in the Draft Environmental Impact Statement (DEIS) circulated in Summer 2001. The alternates are described below. In addition to these alternates, SHA agreed to modify the existing roadway profile for MD 97 just north of Holiday Drive to improve the intersection sight distance for vehicles exiting Holiday Drive. By slightly raising the grade of MD 97 through a short sag curve, the motorist will have a longer sight distance and the approaching vehicles will not disappear from the line of sight. This improvement will be included with all of the alternates, as well as the No-Build.

Alternate 1: No-Build

Under Alternate 1 (the No-Build Alternate), the existing two-lane, undivided roadway would remain with shoulder widths ranging from zero to four feet from Gold Mine Road to 100 feet south of the intersection with Market Street. A small portion of MD 97 between the intersections of Market Street and Brookeville Road is currently a 25-foot, closed section roadway with a small sidewalk along the northbound roadway extending from 200 feet south of the T-intersection to 150 feet north of the T-intersection. Sidewalks are on both sides of Market Street from the T-intersection up to the eastern town limits.

Minor improvements would be made to MD 97 as part of regular maintenance and safety operations; however, routine maintenance operations would not measurably affect the roadway capacity or relieve the roadway's congestion. The quality of life for the Town of Brookeville would not be enhanced by the selection of the No-Build Alternate because commuter through traffic would continue to deteriorate the Town of Brookeville.

Alternate 1 does not address the Purpose and Need of the project, which is to remove the continually increasing traffic volumes from the Town of Brookeville, improve traffic operations and safety on existing MD 97, and preserve the historic character of the town.

Alternate 5C: Eastern Bypass

Alternate 5C provides a 2.12-mile long bypass for commuter traffic on the east side of Brookeville. Existing MD 97 through town would be used predominantly for local, in-town traffic. Figure 2 in the appendix shows that this alignment departs from existing MD 97 in a northeasterly direction near Gold Mine Road and then turns to the north approaching Brighton Dam Road and Reddy Branch. It crosses over both of these at a point where the Reddy Branch is parallel to Brighton Dam, a location suggested by the Corp of Engineers (COE) and United States Fish and Wildlife Service (USFWS). Alternate 5C continues north, crossing over Lubar Drive and proposed Bordly Drive, and passes underneath the PEPCO transmission lines. It turns northwest and rejoins existing MD 97 north of the proposed Bordly Drive in the vicinity of the Hawlings River Steam Valley Park.

Alternate 5C is consistent with the Smart Growth criteria, because roundabouts will be added to the southern and northern termini as part of the detailed studies. Alternate 5C, however, is not compatible with local comprehensive planning in that both the 1994 Brookeville Comprehensive Plan and the 1980 Olney Master Plan include an alignment to the west of Brookeville. Alternate 5C addresses the Purpose and Need of the project, but requires the most right-of-way acquisitions from properties because residential development occurs east of the Town of Brookeville, Alternate 5C would result in one business and five residential relocations south of Brighton Dam Road.

Although Alternate 5C avoids right-of-way impacts to the Brookeville Historic District, it has an adverse impact to the viewshed of the District. It has the least amount of impacts to the Reddy Branch Stream Valley Park but is the only alignment that impacts the Hawlings River Stream Valley Park (1.8 acres). Alternate 5C is the lengthiest alternate and the most expensive, costing approximately \$34 million.

Alternate 7: Western Bypass

Alternate 7 provides a 0.72-mile long bypass for commuter traffic on the west side of Brookeville. Existing MD 97 through town would be used predominantly for local, in-town traffic. Figure 3 in the appendix shows this proposed alignment. Alternate 7 departs from existing MD 97 just south of the Longwood Community Center and heads in a northwesterly direction. It passes through a roundabout located near the northern edge of the Longwood Community Center. The roundabout provides access to existing

MD 97 and the Town of Brookeville. Access to Brookeville would be via the northeast side of the roundabout. Alternate 7 exits from the roundabout in a northwesterly direction and continues through the Maryland National Capital Park and Planning Commission (MNCPPC) property, which is reserved for transportation use (near Dubarry Drive and Rena Court), and through the Reddy Branch Stream Valley Park. It crosses Brookeville Road west of existing MD 97 at a roundabout and then continues in a northeast direction. The roundabout at Brookeville Road has four legs, two for the bypass and two for Brookeville Road. The alternate connects to existing MD 97 north of the intersection with Brookeville Road. The portion of existing MD 97 between this new connection and the Reddy Branch bridge would be closed. It has not been determined if the MD 97 bridge over Reddy Branch Stream will be removed in conjunction with the closing of this portion of MD 97. The Maryland Historical Trust (MHT) determined that this bridge was not National Register Eligible in 1998. Consequently, southbound motorists destined for the Town of Brookeville must pass through the roundabout at Brookeville Road to access existing MD 97 in historic Brookeville.

Alternate 7 is the least expensive alternate with an estimated cost of \$12 million. Alternate 7 addresses the Purpose and Need of the project. It also requires the least amount of right-of-way from properties.

Alternate 8A: At-Grade Western Bypass

Alternate 8A provides a 0.95-mile long bypass for commuter traffic on the west side of Brookeville (west of Alternate 7). Existing MD 97 through town would be used predominantly for local, in-town traffic. Alternate 8A, shown on Figure 5 in the appendix, begins in the same location as Alternate 7. Alternate 8A departs from existing MD 97 just south of the Longwood Community Center and heads in a northwesterly direction. It passes through a roundabout located near the northern edge of the Longwood Community Center. The roundabout provides access to existing MD 97 and the Town of Brookeville. Alternate 8A continues northwest through the MNCPPC transportation easement property and through the Reddy Branch Stream Valley Park. Alternate 8A crosses Brookeville Road approximately 900 feet west of existing MD 97 at a three-leg roundabout (two for the bypass and one for Brookeville Road to/from the west).

Alternate 8A continues northeast (from the Brookeville Road roundabout) and connects to another roundabout located north of the Brookeville Road roundabout. This northern three-legged roundabout connects to existing MD 97 from the north, the bypass from the southwest, and the in-town portion of MD 97 from the southeast.

Existing Brookeville Road from south of the roundabout to its intersection with MD 97 would be closed. It has not been determined whether the structure on Brookeville Road over Meadow Branch will be removed in conjunction with the closing of this portion of Brookeville Road. Additional evaluation will be completed in consultation with the local jurisdiction in detailed design. Consequently, eastbound motorists on Brookeville Road destined for the Town of Brookeville must pass through the northern roundabout.

The estimated cost for Alternate 8A is \$18 million. Alternate 8A also addresses the Purpose and Need of the project.

Alternate 8B: Grade-Separated Western Bypass

Alternate 8B would follow a similar alignment to Alternate 8A between the Longwood Community Center and Brookeville Road. The alignment crosses Brookeville Road on a curved bridge. Figure 6 shows the alignment of Alternate 8B. Access to MD 97 and Brookeville Historic District via Brookeville Road would remain unchanged. Similar to Alternate 8A, the alignment continues northeast and connects to a three-legged roundabout located north of Brookeville Road. This northern three-legged roundabout connects to existing MD 97 from the north, the bypass from the southwest, and the in-town portion of MD 97 from the southeast.

The estimated cost for Alternate 8B is \$18 million. Alternate 8B addresses the Purpose and Need of the project.

COMBINED LOCATION/DESIGN PUBLIC HEARING

The SHA held a Combined Location/Design Public Hearing on October 3, 2001 at the Rosa M. Parks Middle School. The purpose of the Combined Location/Design public hearing was to present the results of the engineering and environmental studies completed for the MD 97 Brookeville project and to provide an opportunity for interested individuals, association, citizen groups or government agencies to offer verbal or written comments. Twenty-three people provided public testimony and seventeen people provided written comments. Out of the forty total public comments (oral and written comments) sixty-eight percent supported a build alternate of some type. Thirty-nine percent of the Public Hearing speakers supported Alternate 7 (Western Bypass) and nine percent supported Alternate 8B (Grade Separated Western Bypass). There was no support for Alternate 5C (Eastern Bypass). No one supported Alternate 8A (At-Grade Western Bypass).

Of the seventeen written comments received, thirty five percent supported Alternate 8B (Grade Separated Western Bypass), thirty percent supported Alternate 7 (Western Bypass) and twelve percent supported Alternate 5C (Eastern Bypass). There was no support for Alternate 8A (At-Grade Western Bypass).

Following the Combined Location/Design Public Hearing further studies were developed regarding the Newlin Downs Mill Complex archeological site located in the historic district south of Brookeville Road. As a result of the Phase II archeological findings, Alternate 7 Modified was developed to minimize impacts to the archeological site. The SHA Selected Alternate is Alternate 7 Modified and is described on page 10.

ALTERNATES NOT SELECTED

Alternate 1 – No Build

Alternate 1 (No-Build) was not selected because it does not satisfy the purpose and need. Minor improvements for normal traffic maintenance and safety operations will not improve the degrading roadway capacity. The quality of life for the Town of Brookeville would not be enhanced by the selection of the No-Build Alternate because commuter through traffic would continue to deteriorate the quality of life in the historic Town of Brookeville.

Alternate 5C – Eastern Bypass

Alternate 5C was not selected because of substantially higher project cost, lack of public support, and greater stream, wetland and prime farmland soil impacts. Alternate 5C is the only alternate that impacts two public parks (Hawlings River Stream Valley and Reddy Branch). Alternate 5C bisects Reddy Branch Park east of Brookeville. Alternate 5C also lacks compatibility with the local Comprehensive Plans and is the only Alternate that will result in both residential relocations (5) and a business displacement (1). The cost of Alternate 5C, \$34 million, nearly doubles the \$18 M cost of the most expensive western alignment Alternate 8B and is more than twice the estimated \$12.5 million cost of the Selected Alternate 7 Modified. Only three (out of 40) comments received at the Combined Location/Design Public Hearing expressed support for Alternate 5C with approximately 20 of the 40 total public comments indicating opposition to Alternate 5C.

Alternate 7 – Western Bypass

Alternate 7 was not selected because it resulted in the greatest impact to the Brookeville Historic District (2.2 acres compared to 1.66 acres for Alternate 7 Modified) and the Newlin/Downs Mill Complex archeological site. An element of the Purpose and Need for the project is to preserve the historic character of the town.

Alternate 8A – At-Grade Western Bypass

Alternate 8A was not selected because of the lack of public support. There was no support for Alternate 8A at the Combined Location/Design Public Hearing. Alternate 8A also serves the same function as Alternate 7 by removing the traffic flow from the Town of Brookeville and removing the traffic out of the Town of Brookeville. Alternate 8A was also not selected because it is more expensive (about \$1.5 million) than Alternate 7 Modified despite comparable environmental impacts.

Alternate 8B – Grade Separated Western Bypass

Alternate 8B was also not selected because of higher cost, environmental impacts, including the impact to the view-shed of the historic district resulting from the grade separation over Brookeville Road and increased noise in the Town of Brookeville. The

elevated structure is within sight distance from the historic district; a concern expressed by many citizens of Brookeville. In addition, the estimated \$18.5 million cost of Alternate 8B was approximately \$5.8 million greater than Alternate 7 and about \$5.5 million greater than the Selected Alternate 7 Modified.

DESCRIPTION OF SHA-SELECTED ALTERNATE

The SHA Selected Alternate is Alternate 7 Modified, with points of access occurring at roundabouts at Brookeville Road and the southern termini just north of Gold Mine Road. Alternate 7 Modified is similar to Alternate 7 (see Figure 3) except that Alternate 7 Modified is shifted approximately 30-40 feet in a westerly direction through the Reddy Branch Stream Valley Park between the roundabout located at Brookeville Road and the area north of Dubarry Drive (see Figure 4). A retaining wall will be placed on the south side of Brookeville Road, east of the roundabout to further minimize impacts to the Mill Complex wheel race platform due to the close proximity of the proposed alignment.

Alternate 7 Modified continues in a northeasterly direction crossing Brookeville Road west of existing MD 97 at a roundabout and then continues to the northeast. The roundabout at Brookeville Road has four legs, two legs for the bypass (through traffic) and two legs for access westbound and eastbound on Brookeville Road. The alternate connects to existing MD 97 north of the roundabout at Brookeville Road. A portion of existing MD 97 north of Brookeville Road would be closed. It has not been determined whether the MD 97 existing structure over Reddy Branch Stream will be removed in conjunction with the closing of this portion of MD 97. Consequently, southbound motorists destined for the Town of Brookeville must pass through the roundabout at Brookeville Road to access existing MD 97 in town.

Alternate 7 Modified has a design speed of 40 miles per hour. Alternate 7 Modified has an open typical section, which consists of two 11' lanes, two 10' shoulders (5' paved for bicycle compatibility and 5' graded). Open and closed roadway sections were evaluated for the DEIS Build Alternates. The SHA has selected the open section for Alternate 7 Modified (see Figure 7) because existing MD 97 is an open section and this is consistent with both the northern and southern tie ins with existing MD 97 (see Figures 8 and 9).

Alternate 7 Modified has an estimated cost of \$12.5 million (see Table ES-1)

In addition to these alternates, SHA agreed to modify the existing roadway profile for MD 97 just north of Holiday Drive to improve the intersection sight distance for vehicles exiting Holiday Drive. By slightly raising the grade of MD 97 through a short sag curve, the motorist will have a longer sight distance and the approaching vehicles will not disappear from the line of sight (see Figure 4).

SMART GROWTH CRITERIA

The Alternate 7 Modified alignment for the proposed MD 97 Brookeville project lies outside the county defined Priority Funding Areas (PFA) under Maryland's Smart

only 0.12 ac of impacted wetlands. Although the \$12.5 million dollar cost is slightly higher than Alternate 7, Alternate 7 Modified was developed to minimize impacts to the historic Newlin/Downs Mill archaeological site, as explained previously.

Based on these findings, it can be concluded that the SHA selected Alternate 7 Modified is the least environmentally damaging practical alternate of those identified in the DEIS. Please refer to appended Table ES-1 for a summary of the following impacts:

Natural Environmental

Wetlands and 100-year floodplains are associated with Meadow Branch, Reddy Branch, and tributaries of Hawlings River. These streams, in the Hawlings River sub-watershed of the Patuxent River watershed, are Use IV waters (Recreational Trout) and may require an in-stream work restriction from March 1 to May 31. Each build alternate would impact less than one-quarter acre of wetlands. Alternate 7 Modified (SHA Selected Alternate) would cross two streams, Meadow Branch and Reddy Branch with impacts of approximately 1,339 linear feet. Alternate 7 Modified would impact 3.2 acres of floodplain. The MDE has recommended that all stream channels be maintained.

There are no known state or federally listed threatened or endangered species identified within the study area. The shingle oak (*Quercus imbricaria*) has been identified to the west of the Town of Brookeville and south of Brookeville Road. The shingle oak tree is considered uncommon in Maryland and is on the Maryland Department of Natural Resource's (DNR) "watch list" as a candidate for listing as a state threatened species. Based on preliminary field views, it is estimated that approximately 20 smaller diameter shingle oak trees would be impacted by Alternate 7 Modified. SHA will continue to coordinate with DNR and, as necessary during final design and construction, attempt to avoid larger species and include shingle oaks as part of reforestation mitigation.

Wildlife Passage

Based on comments from the agencies, the proposed structure over Reddy Branch Stream near the roundabout located on Brookeville Road (as shown on Figure 4 in the appendix) will be designed to accommodate wildlife passage. This bridge alignment will meet the minimum requirements preferred by USFWS, DNR, COE, and MNCPPC which consisted of a minimum of an 8-foot vertical clearance with a 25-foot embankment on the same side. Based on non-surveyed contour mapping, SHA recommended the south side for wildlife passage in the draft Selected Alternate and Conceptual Mitigation Package dated February 2003. In response to COE and USFWS comments at the March 19, 2003 IAR, additional evaluations were made for the north side passage. It was concluded that the north side may be possible however a final decision will need to await accurate ground surveys as part of project design. The design goal will be the agreed to 8 ft. vertical and 25 ft. horizontal clearance on one side, preferably along the north side of Reddy Branch. The COE has also suggested that SHA also consider a south side sloped pathway towards the stream to establish a path of least resistance for deer passage along the south side. Should topographic conditions not allow for adequate clearance along the

north side, the south side passage will be pursued by SHA as part of final project design. In the interim, coordination will continue with the resource agencies.

Publicly Owned Parks and Recreation Areas

Three publicly owned public parks are located within the study limits: Hawlings River Park, Reddy Branch Stream Valley Park, and the Longwood Community Center. Although the Longwood Community Center is a publicly owned recreational facility subject to the 4(f) criteria, the portion of the property that will be impacted by the alternates was reserved for transportation use when the recreational facility was initially planned and therefore is not provided protection under Section 4(f) of the Department of Transportation Act of 1966.

During the development of the alternates, SHA agreed to avoid impacts to the Longwood Community Center ball fields in the southwest corner of the southern roundabout. There was also an agreement to provide guardrail and screening or fencing to protect both vehicles and children. All of the build alternates would impact the Reddy Branch Park. However, Alternate 5C also impacted the Hawlings River Stream Valley Park. Alternate 7 Modified the SHA Selected Alternate, impacts 5.62 acres of Reddy Branch Park.

Historic Resources

Standing Structures

The Town of Brookeville is listed on the National Register of Historic Places as a historic district. Coordination with the MHT indicates that each of the five build alternates would have an adverse effect on the Brookeville Historic District. Alternate 5C would not require any right-of-way from the Brookeville Historic District. Alternate 7, Alternate 7 Modified, Alternate 8A, and Alternate 8B would impact approximately 2.2 acres, 1.66 acres, 1.84 acres, and 2.0 acres of right-of-way, respectively, within the Brookeville Historic District including crossings of the half-mile long man-made Oakley Cabin Trail which runs along an old mill race to the south of Brookeville Road.

A Section 106 Memorandum of Agreement (MOA) has been drafted to address the adverse effects of Alternate 7 Modified. It describes mitigation, including design of a landscape plan, the development and placement of an interpretative sign at the Newlin/Downs Mill Complex and ensuring the continuity of the man-made Oakley Cabin Trail in the design of Alternate 7 Modified.

The National Register Eligible Bordley's Choice is located just north of the Brookeville Historic District. Coordination with the MHT indicated that Alternate 5C has no adverse effect on the Bordley's Choice historic site. MHT has also concurred that Alternate 7, Alternate 7 Modified, Alternate 8A, and Alternate 8B would have no adverse effect on Bordley's Choice.

Archeological Sites

Two archeological sites have been identified within the project area. The Newlin/Downs Mill Complex (18MO368) at the intersection of Brookeville Road and MD 97 (2 acres) and two domestic structures (18MO460) near Longwood Community Center. A Phase II archeological study was required to evaluate their significance and was completed on July 8, 2002.

Site 18MO460 is the remains of a 19th and 20th century domestic occupation associated with the historic village of Brookeville. Phase II evaluation of the site was conducted in March and April 2002. These investigations determined that 18MO460 does not qualify for inclusion on the National Register of Historic Places. Concurrence in these findings by the MHT was received on November 6, 2002.

Site 18MO368 is the remains of the 18th - 19th century Newlin/Downs Mill complex containing numerous architectural features and artifact deposits related to the mill as well as the miller's residence and a millrace system, and as such could contribute important information concerning the industrial economy and community planning in the Maryland Piedmont during a time period characterized by agrarian intensification and internal improvement (1780 -1860). Direct impacts were anticipated with Alternates 7, Alternate 7 Modified, Alternate 8A, Alternate 8B, as the linear site could not be avoided by any of these four proposed western alternates. The MHT concurred that Phase II evaluation of 18MO368 was warranted to conclusively determine its eligibility to the National Register of Historic Places if any alternate were selected.

Phase II evaluation of the site was conducted in March and April 2002. These investigations determined that Site 18MO368 is significant both individually and as a contributing resource to the Brookeville Historic District.

Under Alternate 7 Modified, approximately 5% of Site 18MO368 will be impacted, the mill race system will be affected, but not the identified features and significant archaeological deposits of the site associated with the mill and miller's house. Approximately 700 linear feet of the mill race system will be impacted by Alternate 7 Modified. Phase III data recovery is recommended if the site cannot be avoided during design of Alternate 7 Modified.

On November 6, 2002 the MHT concurred with SHA's eligibility evaluations for the archeological sites and confirmed the adverse effect determination on Site 18MO368. MHT also concurred that the site can be mitigated through data recovery. Section 4(f) does not apply as MHT's concurrence includes agreement that the site does not warrant preservation in place.

Socio-Economic

The existing land use in the project area is a combination of residential, agricultural, and parkland. There are no anticipated land use changes as the result of this project. In addition, the relocation of MD 97 is identified in the 1980 Olney Comprehensive Plan and the 1994 Brookeville Comprehensive Plan.

Alternate 7, Alternate 7 Modified, Alternate 8A, and Alternate 8B would not require any residential or commercial displacements. Alternate 5C would require five residential relocations and one business displacement.

Minimization Measures

Alternate 7 Modified (refer to Figures 8 and 9 in the Appendix).

Impacts to the resources were reduced by adjusting the horizontal and vertical alignments as well as the cross section elements.

Alignment shifts: At the southern end of the alignment, between Sta. 12+00 and 16+00, the roundabout was shifted to the northwest and the approach radius from the south was decreased to 300 feet. This adjustment reduced impacts to the Longwood Community Center's ball fields.

Between Sta. 17+00 and Sta. 27+00, the degree of curve was increased to 4°00' (approximately 1,432-foot radius) and the alignment was shifted slightly to the east to split the distance between the residential community and the historic district. This shift would reduce the noise and visual impacts to the houses on Rena Court and Dubarry Drive and reduce the wetland impacts.

The horizontal alignment was shifted to the west between the MNCPPC property and the roundabout to reduce impacts to the archeological site.

Vertically, the roadway profile was lowered between Sta. 18+00 and Sta. 32+00 so the roadway will be lower than the houses along Rena Court and Dubarry Drive, which will improve the view from these houses. This change will also reduce the amount of fill needed for the roadway.

In addition, the roadway profile was raised between Sta. 32+00 and Sta. 38+00 to reduce the amount of cut to the hillside and raised between Sta. 41+00 and Sta. 46+00 to obtain adequate vertical clearance for animal passage.

Cross section adjustments: The following table lists cross section adjustments, primarily slope reductions and the use of retaining walls where necessary, to reduce fill/cut requirements in order to minimize impacts to adjacent features:

Alternate 7 Modified – Open Section Adjustments

Alternate	Station	Cross Section Adjustments	Avoidance/Minimization
Alternate 7 Modified	Sta 24+00 to 27+50 LT	3:1 Slopes	Reduce Fill / Reduce Impact to ROW, Streams, Wetlands, Floodplains, Woodlands and Parklands
Alternate 7 Modified	Sta 27+50 to 31+00 RT	2:1 Slopes	Reduce Fill / Reduce Impact to ROW, Streams, Floodplains, Woodlands, Parkland, Shingle Oaks and Historic District
Alternate 7 Modified	Sta 28+00 to 32+00 LT	3:1/2:1 Slopes	Reduce Fill/Cut / Reduce Impact to ROW, Streams, Wetlands, Floodplains, Woodlands, Parkland, Shingle Oaks and Historic District
Alternate 7 Modified	Sta 38+00 to 40+00 LT	2:1/3:1 Slopes	Reduce Cut / Reduce Impact to ROW, Streams, Wetlands, Floodplains, Woodlands, Parkland and Historic District
Alternate 7 Modified	Sta 38+50 to 44+00 RT	2:1/3:1 Slopes	Reduce Fill / Reduce Impact to ROW, Floodplains, Woodlands, Parkland and Historic District

MITIGATION

Noise

The Noise Sensitive Areas (NSA) includes residences along Rena Court, Islander Street, Dubarry Drive and Goldmine Road as well as one area within the Town of Brookeville. Sound mitigation for these areas is not reasonable because the cost exceeds the cost per residence criteria. SHA’s Noise Policy states that the cost per residence must be at or below \$50,000 to qualify for noise mitigation and each of the NSA’s will exceed \$50,000, therefore noise mitigation is not considered reasonable.

Stream Restoration and Wetland Mitigation

Alternate 7 Modified will impact 0.12 acres of wetlands and 1,339 linear feet of streams. During the summer of 2002, SHA met with state and federal resource officials to discuss stream restoration as well as wetland and parkland mitigation. Potential areas for stream restoration and wetland mitigation within Reddy Branch Park were evaluated by representatives of the resource agencies and MNCPPC. Written approval from MNCPPC to use Reddy Branch Park for stream restoration and wetland mitigation was received by SHA on May 1, 2003 (Attachment 2). Approved stream restoration locations include upstream and downstream of where Alternate 7 Modified crosses Meadow Branch and along a section of Reddy Branch adjacent to Brighton Dam Road. Stream restoration techniques are likely to include riparian buffer plantings and grading and stabilization of

eroded stream banks. SHA will continue to work closely with the agencies and MNCPPC in the development of the detailed stream restoration and wetland mitigation design.

Public Parkland/Section 4(f)

Selected Alternate 7 Modified will impact 5.62 acres of Reddy Branch Park. MNCPPC is the park owner and agency with jurisdiction over the Reddy Branch Park. Coordination has occurred with park officials throughout the planning process and will continue as part of the Section 4(f) process. At a May 5, 2003 meeting between SHA and MNCPPC staff, potential parkland replacement lands were identified to address Section 4(f) impacts associated with the Selected Alternate.

At the meeting, storm water management ponds within the park were also preliminarily approved, and reforestation opportunities and cultural resource mitigation within Reddy Branch Park were discussed. It was agreed to discuss a joint agency Memorandum of Understanding outlining mitigation as part of the Section 4(f) Evaluation procedures.

Historical/Archeological

In compliance with 36CFR800, a draft MOA is being processed for Alternate 7 Modified (Attachment 1). MNCPPC is an invited participant in the Section 106 process. The Federal Highway Administration (FHWA) has forwarded the draft MOA to the Advisory Council on Historic Preservation (ACHP).

Newlin/Downs Mill Complex (18MO368)

SHA shall develop and implement a data recovery plan to mitigate impacts to the Newlin/Downs Mill Complex 18MO368, in consultation with the MD SHPO. This is addressed in the April 17, 2003 SHA correspondence to FHWA (Attachment 1).

Public and Agency Coordination

On November 13, 2002 the Study Team presented the Recommended Alternate 7 Modified for MD 97 Brookeville Project to the State Highway Administrator.

Key resource agency coordination meetings and public involvement dates include:

- December 1995 Wetland Jurisdictional Review Meeting.
- Public comments received from the Informational Public Workshop that was held on June 22, 1995.
- Public comments received from the Alternates Public Workshop that was held on May 28, 1996.
- Public comments received from the Informational Public Meeting that was held on June 8, 2000.
- September 2000 Interagency Review (IAR) meeting - discussed draft version of the Alternates Retained for Detailed Study.

- October 2000 Interagency Field Review - reacquainted the environmental review agencies with the project area and provided them with the opportunity to view the proposed ARDS alignments.
- November 17, 2000 - Community Field Review.
- Review of public and agency comments on the DEIS September 1, 2001.
- Public comments received from the Combined Location/Design Hearing that was held on October 3, 2001.
- January 16, 2002 IAR - courtesy presentation regarding the preferred alternate.
- September 20, 2002 - Agency Field Review was held to look at the archeology site and review the newly developed Alternate 7 Modified.
- March 19, 2003 IAR- present Alternate 7 Modified as SHA's selected alternate as identified in the February 2003 draft Selected Alternate and Conceptual Mitigation package.
- Twelve Focus Group meetings were held on the following dates:
 - 4/19/95
 - 3/14/96
 - 4/8/96
 - 9/9/96
 - 12/9/96
 - 6/11/98
 - 4/24/00
 - 9/25/00
 - 8/14/01
 - 11/17/01
 - 3/18/02
 - 7/24/02

MD 97 BROOKEVILLE ERRATA

FINAL SELECTED ALTERNATIVE AND CONCEPTUAL MITIGATION PACKAGE-MAY 2003

FEDERAL HIGHWAY ADMINISTRATION	RESPONSE
<p>FHWA (Denise King) commented on the draft Selected Alternative and Conceptual Mitigation (SACM) Package that the Oakley Cabin Trail is a man-made trail.</p>	<p>The Oakley Cabin Trail is now referred to as man-made in the final SACM Package.</p>
<p>FHWA (Denise King) noted at the March 19, 2003 Interagency Review (IAR) Meeting that the Section 106 Memorandum of Agreement (MOA) package must be sent to the Advisory Council on Historic Preservation (ACHP)</p>	<p>The draft MOA was submitted to FHWA on April 17, 2003 (see Attachment 1). The transmittal letter includes appropriate statements requesting FHWA to inform the ACHP of the adverse effects and asking if the ACHP wishes to review and be a signatory to the MOA. FHWA has sent the draft MOA to the ACHP.</p>
US ARMY CORPS OF ENGINEERS	RESPONSE
<p>COE (Paul Wettlaufer) stated at the March 19 IAR that his agency will concur with the SACM package but will require a concurrence letter from MNCPPC for wetlands and stream restoration before a permit will be issued. The COE approves of the mitigation in terms of offsetting the impact.</p>	<p>Coordination between SHA, MNCPPC and the COE that occurred subsequent to the IAR has resulted in written agreement of stream restoration and wetlands mitigation locations within Reddy Branch Park. The MNCPPC's approval letter approval letter dated May 1, 2003 is attached (see Attachment 2).</p>
<p>COE (Paul Wettlaufer) also commented that the wildlife bench was supposed to be on the north side of Reddy Branch but the south side is recommended in the package. He believes that the northern side has room for vertical clearance and there is also the opportunity to remove pavement from the existing road and connect a large tract that includes the riparian corridor.</p>	<p>After the IAR meeting, SHA and MNCPPC meet with the COE, USFWS and MDE to discuss wildlife passage mitigation (see Attachment 3). The northern passage was reevaluated and may be possible. A final decision will need to await ground survey as part of final design. In the interim, the SHA recommended south side wildlife passage will remain. Coordination will continue with the COE and USFWS.</p>
US FISH & WILDLIFE SERVICE	RESPONSE
<p>USFWS (Bill Schultz) commented that before he will concur, MNCPPC must provide a letter approving the stream restoration and wetlands locations. MNCPPC (Dan Hardy) stated that the agency is satisfied with the selected alternate and mitigation details need to be finalized.</p>	<p>At the IAR, SHA (Gay Olsen) noted that USFWS has already concurred but Bill Schultz clarified that concurrence has only been given on the draft package (see Attachment 4). Please also refer to the above response to the COE. Agencies including the USFWS will receive the final SACM package for concurrence</p>
MARYLAND DEPARTMENT OF ENVIRONMENT	RESPONSE
<p>MDE (Steve Hurt) is looking at the need to maintain stream channels due to the over widened bridge structure</p>	<p>MDE participated in the March 19 meeting after the IAR (see Attachment 3). The MDE recommendation to maintain stream channels is included in the final SACM Package for consideration in final design.</p>

**MD 97 – BROOKEVILLE – PROJECT PLANNING STUDY –MAY 2003
CONCURRENCE FOR SELECTED ALTERNATE AND CONCEPTUAL MITIGATION**

Alternates Retained for Detailed Study

At the October 2000 Interagency Review IAR meeting, four alternates were recommended to be retained for further study. The Alternates Retained for Further Study are as follows: Alternate 1–No-Build Alternate, Alternate 5C–Eastern Bypass (**Figure 2**), Alternate 7–Western Bypass (**Figure 3**) and Alternate 8–Western Bypass which became Alternate 8A (**Figure 5**) and Alternate 8B (**Figure 6**). Concurrence was received from the agencies and the alternates were presented in the MD 97 Brookeville Project Draft Environmental Impact Statement/Section 4(f) Evaluation dated August 2001. The referenced **Figures** are appended to the Selected Alternate and Conceptual Mitigation (SACM) package attached to this Executive Summary document.

Combined/Location Design Public Hearing

A Combined Location/Design Public Hearing was held October 3, 2001. Approximately 117 citizens attended and a total of 40 public comments were made (23 oral and 17 written comments). As a result of public and agency comments, Alternate 7 was identified as the preferred alternate. Subsequent to the Public Hearing, Alternate 7 Modified was developed to minimize impacts to the National Register eligible Newlin/Downs Mill Complex archeological site. The modified alignment was presented at the January 2002 IAR meeting. An agency field view of Alternate 7 Modified occurred on September 20, 2002 and included mitigation sites.

Description of SHA-Selected Alternate

The SHA Selected Alternate, Alternate 7 Modified, is similar to Alternate 7 except that Alternate 7 Modified is shifted approximately 30-40 feet in a westerly direction through the Reddy Branch Park to minimize impacts to the Newlin/Downs Mill Complex archaeological site (**Figure 4**). A retaining wall will be placed on the south side of Brookeville Road, east of the roundabout to further minimize impacts to the Newlin/Downs Mill Complex. Alternate 7 Modified has a design speed of 40 miles per hour. Alternate 7 Modified has an open typical section, which consists of two 11' lanes, two 10' shoulders with a 4' paved area for bicycle compatibility (**Figure 7**). The SHA has selected the open section because existing MD 97 is an open section and this is consistent with both the northern and southern tie-ins with existing MD 97 (**Figures 8 and 9**). Roadway access is limited to the two roundabouts, at Brookeville Road and the southern termini. Cost is estimated at \$12.5 million.

Summary of Environmental Impacts and Conceptual Mitigation

Alternate 7 Modified and the build alternates impacts are summarized in appended Table ES-1

Natural Environmental: Alternate 7 Modified would cross two streams, Meadow Branch and Reddy Branch with impacts of approximately 1,339 linear feet. These streams in the Hawlings River sub-watershed and the Patuxent River watershed are Use IV waters (Recreational Trout) and may require an in-stream work restriction from March 1 to May 31. Alternate 7 Modified will impact approximately 3.2 acres of floodplain and less than one-quarter acre of wetlands. The proposed MD 97 structure over Reddy Branch will be designed to accommodate wildlife passage along Reddy Branch by providing an 8 ft. vertical and 25 ft. horizontal clearance along one side of the stream as agreed to by the agencies. SHA will evaluate north side passage option during final design when topographic survey of the area is completed. Conceptual design of the Meadow Branch crossing consists of a box culvert in accordance with MDE design criteria. Design of the Reddy Branch Bridge and Meadow Branch culvert will be coordinated with the state and federal resource agencies as part of the and permitting requirements. Stream restoration and wetland mitigation sites within Reddy Branch Park have been coordinated with and approved by the agencies including written concurrence from the Maryland National Capital Parks and Planning Commission (MNCPPC).

MD 97 - Brookeville Study
 Selected Alternate and Conceptual Mitigation

Publicly Owned Parks and Recreation Areas: Alternate 7 Modified will impact 5.6 acres of Reddy Branch Park compared to 5.3 acres for Alternate 7 and 6.3 acres for Alternate 8. SHA met with MNCPPC on May 5, 2003 to discuss mitigation within Reddy Branch Park. A joint agency Memorandum of Understanding may be established between SHA and MNCPPC outlining mitigation including replacement of public parkland.

Historic Resources: Alternate 7 Modified will have an adverse effect on the National Register (NR) listed Brookeville Historic District (district) and the NR eligible Newlin/Downs Mill archaeological site. Alternate 7 Modified requires about 1.7 acres of right-of-way from the district, compared to Alternates 7 (1.8 acres), 8A (1.4 acres) and 8B (1.6 acres). Alternate 7 Modified impacts about 700 linear feet of the millrace but avoids the core of the archaeology site. A draft Section 106 Memorandum of Agreement (MOA) has been submitted to FHWA for review and forwarding to the Advisory Council on Historic Preservation (ACHP) stipulating historic site mitigation including: landscaping to reduce the visual intrusion on the historic district and Phase III data recovery if portions of the mill site cannot be avoided. The continuity of the man-made Oakley Cabin Trail will be assured.

Socio-Economic and Smart Growth: No displacements are involved. Land use changes are not anticipated as the result of the project. The relocation of MD 97 is identified in the 1980 Olney Comprehensive Plan. Alternate 7 Modified is located outside of the defined Priority Funding Areas (PFA). However, SHA is prepared to dedicate a permanent easement to the Maryland Environmental Trust (MET) to address the potential for growth outside the PFA. The easement will border the entire roadway to ensure no future access, widening or connections to the Selected Alternate.

Project Name & Limits: MD 97, Brookeville Study, Montgomery County		
Having reviewed the attached SHA Selected Alternative and Conceptual Mitigation concurrence/comment package and the summary presented above, the following agency (by signing this document):		
<input type="checkbox"/> Federal Highway Administration	<input type="checkbox"/> Fish and Wildlife Service	<input type="checkbox"/> MD Dept. of Natural Resources
<input type="checkbox"/> Environmental Protection Agency	<input type="checkbox"/> National Park Service	<input type="checkbox"/> MD Dept. of the Environment
<input type="checkbox"/> Corps of Engineers	<input type="checkbox"/> National Marine Fisheries Service	
<input type="checkbox"/> Concurs (without comments) <input type="checkbox"/> Concurs (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur		
Comments / Reasons for Non-Concurrence:		
<i>Note: Do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</i>		
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<input type="checkbox"/> Provides Comments (below or attached) <input type="checkbox"/> Has No Comments		
Comments:		
Additional Information Needed:		
Signature: _____ Date: _____		

<u>STREAMLINED PROCESS TRACKING</u>		
TO: EM: <u>Nick Blundy</u>	Date: <u>6/4/03</u>	
PM: <u>Carner Harris</u>	Project: <u>MD97 Brookeville</u>	
FROM: Gay Olsen/Wanda Brocato	Project No.: <u>MO 746 B11</u>	
<input type="checkbox"/> Purpose and Need	<input type="checkbox"/> Preliminary/Draft	
<input checked="" type="checkbox"/> Alternatives Retained for Detailed Study	<input checked="" type="checkbox"/> Final/Formal	
<input checked="" type="checkbox"/> SHA's Selected Alternative & Conceptual Mitigation		
<input checked="" type="checkbox"/> Concurrence w/o Comments	<input type="checkbox"/> Concurrence w/Comments	<input type="checkbox"/> Comments
<input type="checkbox"/> FHWA	<input type="checkbox"/> NPS	<input type="checkbox"/> MDP
<input type="checkbox"/> EPA	<input type="checkbox"/> NMFS	<input type="checkbox"/> MHT
<input checked="" type="checkbox"/> COE	<input type="checkbox"/> DNR	<input type="checkbox"/> MPO
<input type="checkbox"/> FWS	<input type="checkbox"/> MDE	
Response Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Comments: <u>FyI</u>		
NOTE: Make sure all agencies receive a copy of this incoming concurrence/comment letter and (if applicable) the outgoing SHA response.		
cc: <input checked="" type="checkbox"/> Simpson	<input checked="" type="checkbox"/> Grey	<input checked="" type="checkbox"/> Kresslein
<input type="checkbox"/> Sanders	<input type="checkbox"/> Finkle	<input checked="" type="checkbox"/> Jacobs
<input checked="" type="checkbox"/> Rice	<input checked="" type="checkbox"/> Simmons	<input type="checkbox"/> Sparklin
		<input checked="" type="checkbox"/> Wynn
		<input checked="" type="checkbox"/> FHWA
		<input type="checkbox"/> Pedersen
		<i>- Denise King</i>
		<i>- Esther Strawder</i>

Revised 12/14/00

MD 97 - Brookeville Study
 Selected Alternate and Conceptual Mitigation

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<input type="checkbox"/> Provides Comments (below or attached)		<input type="checkbox"/> Has No Comments
Comments:		
Additional Information Needed:		
Signature: <u>Paul Wootlauffer</u>	Date: <u>5/29/03</u>	

STREAMLINED PROCESS TRACKING

TO: EM: Nick Blendy Date: 6/9/03
 PM: Cornel Harris Project: MD 97 - Brookeville
 FROM: Gay Olsen/Wanda Brocato [Signature] Project No.: MO 746 B11

- | | |
|--|--|
| <input type="checkbox"/> Purpose and Need | <input type="checkbox"/> Preliminary/Draft |
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| <input checked="" type="checkbox"/> SHA's Selected Alternative & Conceptual Mitigation | |

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|---|---|---|
| <input checked="" type="checkbox"/> Concurrence w/o Comments
<u>FHWA</u> | <input type="checkbox"/> Concurrence w/Comments | <input checked="" type="checkbox"/> ^{No} Comments
<u>WCOG (MPO)</u> |
|---|---|---|

- | | | |
|--|-------------------------------|---|
| <input checked="" type="checkbox"/> FHWA | <input type="checkbox"/> NPS | <input type="checkbox"/> MDP |
| <input type="checkbox"/> EPA | <input type="checkbox"/> NMFS | <input type="checkbox"/> MHT |
| <input type="checkbox"/> COE | <input type="checkbox"/> DNR | <input checked="" type="checkbox"/> MPO - <u>WCOG</u> |
| <input type="checkbox"/> FWS | <input type="checkbox"/> MDE | |

Response Required: Yes No

Comments: FYI

NOTE: Make sure all agencies receive a copy of this incoming concurrence/comment letter and (if applicable) the outgoing SHA response.

- cc: Simpson Grey Kresslein Sparklin Wynn
 Sanders Finkle - (WCOG only) Jacobs FHWA - Darlene King (WCOG) Pedersen
 Rice Simmons

Revised 12/14/00

MD 97 - Brookeville Study
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<input type="checkbox"/> Provides Comments (below or attached) <input type="checkbox"/> Has No Comments		
Comments:		
Additional Information Needed:		
Signature: <u>Dennis G. King</u>	Date: <u>6/6/03</u>	

MD 97 - Brookeville Study
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<input type="checkbox"/> Provides Comments (below or attached)		<input checked="" type="checkbox"/> Has No Comments
Comments:		
Additional Information Needed:		
NONE		
Signature: <u>Ronald F. Kirby</u>	Date: <u>June 3, 2003</u>	

Ronald F. Kirby
 Director, Department of
 Transportation Planning
 Metropolitan Washington
 Council of Governments

<u>STREAMLINED PROCESS TRACKING</u>														
TO: EM: <u>Nick Bledy</u> PM: <u>Carmer Harris</u>	Date: <u>6/18/03</u> Project: <u>MD 97 Brookeville</u>													
FROM: Gay Olsen/Wanda Brocato <i>BS</i>	Project No.: _____													
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Purpose and Need</td> <td><input type="checkbox"/> Preliminary/Draft</td> </tr> <tr> <td><input type="checkbox"/> Alternatives Retained for Detailed Study</td> <td><input checked="" type="checkbox"/> Final/Formal</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> SHA's Selected Alternative & Conceptual Mitigation</td> </tr> </table>			<input type="checkbox"/> Purpose and Need	<input type="checkbox"/> Preliminary/Draft	<input type="checkbox"/> Alternatives Retained for Detailed Study	<input checked="" type="checkbox"/> Final/Formal	<input checked="" type="checkbox"/> SHA's Selected Alternative & Conceptual Mitigation							
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Revised 12/14/00

MD 97 - Brookeville Study
 Selected Alternate and Conceptual Mitigation

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<input type="checkbox"/> Provides Comments (below or attached)		<input type="checkbox"/> Has No Comments
Comments:		
Additional Information Needed:		
Signature: <u>William Schub</u>		Date: <u>6/11/03</u>

<u>STREAMLINED PROCESS TRACKING</u>														
TO: EM: <u>Nick Bledy</u>	Date: <u>6/24/83</u>													
PM: <u>Cornel Harris</u>	Project: <u>MD97 Brackville</u>													
FROM: Gay Olsen/Wanda Brocato <u>B</u>	Project No.: <u>MD 746 B11</u>													
<input type="checkbox"/> Purpose and Need <input type="checkbox"/> Preliminary/Draft														
<input type="checkbox"/> Alternatives Retained for Detailed Study <input checked="" type="checkbox"/> Final/Formal														
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Revised 12/14/00

JUN-23-2003 16:21

EPA III ESD

215 8142783 P.02/02

MD 97 - Brookeville Study
Selected Alternate and Conceptual Mitigation

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<input type="checkbox"/> Concurs (without comments) <input checked="" type="checkbox"/> Concurs (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur		
Comments / Reasons for Non-Concurrence: EPA appreciates the coordination with MNCPPC and is supportive of reevaluation for a northern wildlife passage.		
<i>Note: Do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.</i>		
<input type="checkbox"/> MD Historical Trust	<input type="checkbox"/> MD Department of Planning	<input type="checkbox"/> Metropolitan Planning Organization
<input type="checkbox"/> Provides Comments (below or attached) <input type="checkbox"/> Has No Comments		
Comments:		
Additional Information Needed:		
Signature: <u><i>Paula Leland</i></u>		Date: <u>6/23/03</u>



Susan Hinton
01/23/2004 04:32 P A
EST

To: "NICHOLAS BLENDY" <NBlendy@sha.state.md.us>
CC:
Subject: Re: Fwd: FW: MD 97, Brookville Project--FEIS/Section 4(f)
Evaluation--Legal sufficiency determination [1]

OK. Given the determination by FHWA, we concur.

Thanks for your help in getting the info that we needed.

Susan Hinton, ASLA, AICP
Regional Transportation Liaison
National Park Service
National Capital Region

Phone: (202) 619-7106
Fax: (202) 619-7420

22 '03 02:40PM WETLANDS/WATERWAYS 410 537 3751

P.2/2

MD 97 - Brookeville Study
Selected Alternate and Conceptual Mitigation

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Comments:		
Additional Information Needed:		
Signature: <u>Edde A. Thigianelli</u>	Date: <u>12/23/03</u>	

FROM : ENVIRONMENTAL REVIEW UNIT

PHONE NO. : 1 410 260 8339

Jun. 23 2003 03:35PM P1



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW
Tawes State Office Building, B-3
Annapolis, Maryland 21401

C. Ronald Franks
Secretary

W. P. Jensen
Deputy Secretary

FAX TRANSMITTAL MEMO

Date: 6/23, 2003

We are sending 2 Pages
(Including this cover sheet)

To: Gay Olsen

Office: SHA

Fax #: 410-209-5004

Comments: DNR concurrence on:

SACM MD97 Brooksville Project
Montgomery County,

Thanks

Ray
From: Ray Dintaman

Fax #: 410-260-8339

Phone #: 410-260-8331

Telephone: (410) 260-8330
DNR TTY for the Deaf: (410) 260-8835

FROM : ENVIRONMENTAL REVIEW UNIT

PHONE NO. : 1 410 260 8339

Jun. 23 2003 03:29PM P2



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources
Environmental Review
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

C. Ronald Franks
Secretary

W. P. Jensen
Deputy Secretary

June 23, 2003

Ms. Gay Olsen
Project Planning Division
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

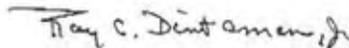
Dear Ms. Olsen:

This letter is in reply to Cynthia D. Simpson's letter of request, dated May 21, 2003, for Maryland Department of Natural Resources (DNR) concurrence on the State Highway Administration's (SHA) Selected Alternate and Conceptual Mitigation (SACM) for the MD 97 Brookeville Project; Project No. MO746B11, Montgomery County.

The Department participated in discussions of this project at the Interagency Meeting and at field visits over the past several years. Also, the Department has provided written comments at the various comment and concurrence points in the Maryland Streamlined Environmental and Regulatory Process. DNR concurs with the Selected Alternate and Conceptual Mitigation and advocates continued efforts to optimize protection of natural resources during further planning for this project. We support the continued coordination that is referenced in the SACM package regarding the stream crossing structure designs, especially the wildlife crossing location which is still being evaluated and coordinated for the Reddy Branch stream crossing. Continued coordination may also be needed, as referenced, on the issue of the presence of shingle oak (*Quercus imbricaria*) in the study area. We will plan to participate in these continued interagency natural resource discussions.

If you have any questions concerning these comments, you may contact Greg Golden of my staff at 410-260-8334.

Sincerely,


Ray C. Dintaman, Jr., Director
Environmental Review Unit

TTY via Maryland Relay: 711 (within MD) (800) 735-2258 (Out of State)
Toll Free in MD#: 1-877-620-8DNR ext. 8331

2

FROM : ENVIRONMENTAL REVIEW UNIT

PHONE NO. : 1 410 260 8339

Jun. 23 2003 03:36PM P2

MD 97 - Brookeville Study
Selected Alternate and Conceptual Mitigation

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Comments:		
Additional Information Needed:		
Signature: <u>Kay C. Dintaman, Jr.</u>	Date: <u>June 23, 2003</u>	



Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 3, 2003

Ms. Cynthia D. Simpson, Deputy Director
Office of Planning & Preliminary Engineering
Maryland State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Attention: Ms. Gay Olsen

**Re: MD 97 - Brookeville Project
Selected Alternate and Conceptual Mitigation**

Dear Ms. Simpson:

This is in response to SHA's request for comments on the Selected Alternate for the MD 97 Brookeville Project. In this letter, MDP provides an interpretation on how the Selected Alternate and the agency coordination efforts that have been taken thus far have addressed the central issues related to Maryland's Smart Growth and Neighborhood Conservation regulations and policy.

Overall, the Selected Alternate – Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD97 - Brookeville project. This Alternate's articulate design features appear to limit the future capacity of the planned bypass to no more than that of the capacity that which MD97 currently has through the Town of Brookeville. At essence is that the planned facility will remove the existing northbound and southbound traffic bottlenecks in the center of Brookeville. Specific design features that contribute to this include the 11ft. travel lanes and overall design speed of 40 mph, the roundabouts at Brookeville Road and at the southern end of the proposed bypass, and closing of the current MD97 for future through traffic. We also note that by locating the bypass as near as possible to the Town of Brookeville, this alternate appears to limit secondary and cumulative effects of the facility within this area.

The Governor's March 5, 1999 letter proposed four criteria to restart the planning study for the MD97 - Brookeville project (the March 5, 1999 letter is attached). These four criteria were made through negotiation and an agreement with local elected officials in Montgomery County. MDP recognizes that MDOT/SHA, Montgomery County officials, local officials, and all state and local agencies have taken significant efforts to address the Governor's four criteria.

JUL11'03 AM 10:45 BPPF

301 West Preston Street Suite 1101 Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 Fax: 410.767.4480 Toll Free: 1.877.767.6272 TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

In regard to Criterion 1, the Montgomery County Council amended the County's Annual Growth Policy in an effort to prevent the use of the bypass to promote secondary sprawl development outside Brookeville. Currently, Montgomery County is in the process of updating the Olney Master Plan. A proposal included in the draft plan's Transportation Network Recommendations is to "establish a "two-lane" roadway policy for rural portion of Planning Area." The portion of MD 97 north of Brookeville sits within this designated rural area. Designating the rural portion of MD 97 to remain a two-lane road facility will greatly support the Montgomery County's "Wedges and Corridors" Policy and is the critical step to help to preserve the roadway capacity of MD 97 through Brookeville. The recommendation for a "two-lane" roadway policy is consistent with the intent of Criterion 1. Our Department supports the County's recommendation to establish a two-lane roadway policy in the rural portion of the Olney Planning Area.

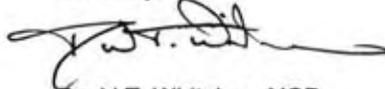
We note that SHA has been at the forefront in the effort to provide quality project design for this project consistent with Criterion 2. In coordination with Maryland Environmental Trust, SHA has negotiated the use of a permanent easement to prevent inconsistent development along the right-of-way of the proposed bypass facility. This meets the requirements of Criterion 2. We note that it would be prudent to have the permanent easement agreement signed and entered into the public record prior to obtaining construction funding for the MD97 – Brookeville project.

With regard to Criterion 3, Montgomery County and the State should fully discuss under what circumstances the State may seek reimbursement for the cost of the bypass facility.

As stated in MDP's February 7, 2001 letter to SHA, prior to providing state funding for the construction of the project, an exception from the Maryland Board of Public Works will be required. We recommend that MDOT, SHA and MDP discuss the steps necessary for submittal of this project to the Board of Public Works.

Thank you for providing MDP the opportunity to review and provide comments on the Selected Alternate for the MD97 – Brookeville project. Should you have any questions with regard to the above comments, please do not hesitate to contact me at 410-767-4564 or Bihui Xu at 410-767-4567.

Sincerely,



David T. Whitaker, AICP
Manager – Transportation
Planning Unit

- cc: Tom Rimrodt, Asst. Secretary - MDP
- James T. Noonan, MDP
- Joseph Kresslein, SHA
- Dan Johnson, FHWA
- Barbara Rudnick, EPA
- Paul Wettlaufer, COE
- Bill Schultz, USFWS
- Greg Golden, DNR

Elder Ghigiarelli, MDE
Michael Day, MHT
Attn: Beth Cole
Ron Kirby, WCG
Don Halligan, MDOT
Fatimah Hasan, MDOT
Charles R. Loehr, M-NCPPC, Montgomery County
Attn: Dan Hardy
Khalid Afzal

STATE OF MARYLAND
OFFICE OF THE GOVERNOR



March 5, 1999

The Honorable Isiah Leggett
President
Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

PARRIS N. GLENDE
GOV

ANNAPOLIS C
STATE H
100 STATE C
ANNAPOLIS, MARYLAND
4102 374
(TOLL FREE) 1-800-411-

WASHINGTON D
30071
444 NORTH CAPITOL STREET,
WASHINGTON, D.C. 2
20012 424-

TDD (410) 333-

Dear Ike:

As a follow up to our conversation last week, I appreciate your desire to find a positive solution to the Brookeville bypass issue. Your recognition of the statewide implication of my decisions about the bypass and the need to control sprawl development across County lines is appreciated.

The ideas we discussed about Montgomery County being able to guarantee that no sprawl development would result from the construction of the bypass speak directly to the real policy issues at stake. We must curtail the unbridled sprawl that has chewed up fertile rural areas and valuable open space, harmed our environment and damaged our quality of life.

Following up on our discussion, I have developed a proposal that could allow the future construction of the bypass without encouraging sprawl development north of Brookeville. If the County could implement the four items listed below, we would meet the anti-sprawl objectives and requirements of the Smart Growth legislation:

- (1) Under local ordinance, the County is to adopt through appropriate enforceable action restrictions that will prevent this bypass from allowing sprawl development. Any capacity a bypass might add to the road network cannot be used to allow development outside the current boundaries of the town of Brookeville.
- (2) Permanent easement to be held by an entity such as the Maryland Environmental Trust must border the entire roadway to ensure no future access, widening or connection to the bypass is possible.
- (3) If for any reason these controls fail, Montgomery County will reimburse the State for the full cost of the bypass.
- (4) Montgomery County, the Maryland Department of Transportation and Howard County government will work out a safe traffic calming point north of the bypass which limits traffic capacity to the current capacity of MD 97 through Brookeville.

Mr. Isiah Leggett
Page Two

These four actions will enhance our anti-sprawl effort while allowing the bypass under the Smart Growth law. I realize it will take some time for the County Council to consider these points and implement such ideas. With your leadership, I am confident success will be achieved rapidly. At that point, I could put the bypass back into the Consolidated Transportation Program as it was last year and support a waiver of the funding prohibition. Until these four conditions are assured, I cannot consider funding even the planning monies for the bypass.

Let me reaffirm my commitment to implementing our Smart Growth initiatives. Our children and grandchildren deserve to inherit a State where rural areas and open space are preserved, the environment is healthy, and thriving communities enjoy their quality of life. This is my vision for Maryland

Ike, your willingness to work cooperatively to achieve our shared policy goal of limiting sprawl, and your practical suggestions on how to achieve our goal is very much appreciated. I look forward to your reply.

Sincerely,



Parris N. Glendening
Governor



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

July 29, 2003

Mr. John Bernstein, Director
Maryland Environmental Trust
100 Community Place
Crownsville MD 21032

Dear Mr. Bernstein:

Thank you for your March 18, 2002 letter suggesting changes to the Letter of Commitment and Memorandum of Understanding (MOU) relative to the Smart Growth criteria for the MD 97 Brookeville Project. We appreciate your suggestions and support in the development of a MOU.

It is the expectation of the State Highway Administration (SHA), under present conditions to cooperate with the Maryland Environmental Trust (MET) to assign or co-hold the easement with another land trust that is not an instrumentality of the State, in order to ensure the permanency of the easement. This will be subject to the approval of the Board of Public Works.

Upon the allocation of funds to move forward with preliminary engineering, acquisition of right-of-way and construction, the State Highway Administration will determine the exact location and acreage of the permanent easement. The proposed easement can be accommodated within the right-of-way required to support the roadway. The SHA anticipates addressing access onto the easement with a temporary crossing clause for roadway maintenance purposes.

If this Letter of Commitment is acceptable, please sign, keep a copy and return the original to Ms. Carmeletta T. Harris. If you would like to discuss the details of this project or this Letter of Commitment, please feel free to contact me or Ms. Harris, Project Manager, at 410-545-8522, toll free at 1-800-548-5026 or via email at charris@sha.state.md.us.

Very truly yours,

Douglas H. Simmons, Director
Office of Planning and
Preliminary Engineering

CONCURRENCE:

John Bernstein
Director
Maryland Environmental Trust

Date

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Mr. John Bernstein
Page Two

cc: Mr. Nicholas Blendy, Environmental Manager, State Highway Administration
Ms. Janet Handy, Deputy Counsel, Office of Counsel, State Highway Administration
Ms. Carmeletha T. Harris, Project Manager, State Highway Administration
Mr. James Highsaw, Program Manager, Maryland Environmental Trust
Mr. David Whitaker, Transportation Planning Unit Manager, Maryland Department of
Planning
Mr. J. Richard Zuzmyak, Transportation Projects Coordinator, Office of Smart Growth

C. FOCUS GROUP MEETINGS



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Carmeletta T. Harris
Project Engineer
Project Planning Division

DATE: April 4, 2002

SUBJECT: MO746B11
MD 97 Brookeville
Transportation Study
Montgomery County

RE: March 18, 2002 Focus Group Meeting Minutes

A Focus Group meeting for the MD 97 Brookeville project was held March 18, 2002 at the Longwood Community Center. The following people were in attendance:

- | | |
|---------------------|--|
| Carmeletta Harris | Project Manager, State Highway Administration |
| Ruel Manuel | Project Engineer, State Highway Administration |
| Shannon Rousey | Environmental Manager, State Highway Administration |
| Mary Barse | Archeologist, State Highway Administration |
| Karen Kahl | RK&K |
| Bob Simpson | Montgomery County Dept. of Public Works & Transportation |
| Joe Anderson | Maryland National Park and Planning Commission |
| Rick Allan | Town of Brookeville |
| Robert K. Heritage | Town of Brookeville |
| Leslie C. Unglesbee | Town of Brookeville |
| Linda Elliot | Linda's Dog Design |
| Tom Street | Citizen |
| Josh Rubin | Citizen-Islander Street |
| Mike Anderson | Citizen-Islander Street |
| Pat Smith | Citizen-Islander Street |

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MD 97 Brookeville Focus Group Meeting
Page 2

Rhonda Willis-Stuppel	Citizen-Islander Street
Betty Anderson	Citizen-Islander Street
Patricia Snell	Citizen-Islander Street
Michael Snell	Citizen-Islander Street
Dave Eskenazi	Greater Olney Civic Association.
Nora Blan	Tanterra HOA
Larry May	Citizen
Gabrielle Clements.	Citizen-Islander Street
John Hayter	Longwood Advisory
Rick Coburn	Greater Olney Civic Association
Terri Hogan	Gazette
Margaret Syski	Citizen
Todd Van Gelder	Citizen
David Bouve	Citizen
Michele Weiss	Citizen-Islander Street
Pamela Gibbons	Citizen-Islander Street
John Gibbons	Citizen-Islander Street
Jeri Gibbons	Citizen-Islander Street
Wilma Theard	Citizen-Islander Street
John Ferinde	Citizen-Islander Street
Michael Maines	Citizen-Islander Street
Timothy Hansen	Citizen-Islander Street
Barbara Stockinger	Citizen-Islander Street
Kathleen Smith	Citizen-Islander Street

Introduction and Purpose of the Meeting

Ms. Carmen Harris began the meeting with introductions. She then stated that the purpose of the meeting was to discuss the results of the Public Hearing, to provide an update of recent project developments related to archeology study and to update the Focus Group on the remaining schedule.

Review of Alternates

Ms. Carmen Harris presented a brief overview of the four alignments that were presented at the Public Hearing held on October 3, 2001 at the Rosa Parks Middle School. She stated that only Alternates 7 and 8B are still being considered. Alternate 5C was dropped from further study because it was too expensive, had the most public opposition, and required residential displacements. Alternate 8A was dropped from study because of the lack of public and team support.

MD 97 Brookeville Focus Group Meeting
Page 3

Mr. Leslie Unglesbee, the Town Commissioner, stated that the Town of Brookeville supports Alternate 7 over the other alternates. They were under the impression that the option preferred by the Town would be the selected option. He also questioned why Alternate 7 was not selected already. Ms. Carmen Harris stated that an archeological site exists in the study area which will require further study to assess its significance.

Public Hearing Summary

Ruel Manuel gave an update on the Public Hearing held on October 3, 2001 at Rosa Parks Middle School. A handout was provided which included a summary of the testimony and comments received. Out of 23 public testimonies and 17 written comments, 76% supported a build alternate of some type. 42% supported Alternate 7 (Western Bypass), 24% supported Alternate 8B (Grade Separated Western Bypass), 10% supported Alternate 5C (Eastern Bypass), and no support for Alternate 8A (At-Grade Western Bypass) was tallied. Out of 18 comments, received, 9 comments were against Alternate 5C (Eastern Bypass), 3 comments were against Alternate 8B (Grade Separated Western Bypass), 3 comments were against Alternate 1 (No-Build), 2 comments were against Alternate 8B (Grade Separated Western Bypass), and 1 comment against Alternate 7 (Western Bypass).

Mr. Manuel noted that most of the comments against Alternate 5C (Eastern Bypass) came from the community located on the eastside of MD 97 (Georgia Avenue) within the project area.

It was stated that SHA has identified new archeological issues that were not presented at the Public Hearing and that the public did not get the whole story before they made their testimony.

Ms. Carmen Harris stated that the archeological sites were identified in the document and in the brochure.

Recent Developments - Archeology

There are two sites that are potentially eligible for the National Register of Historic Places. They were identified in 2001:

- A mill at the intersection of Brookeville Road and MD 97 (2 acres)
- Two domestic structures near Longwood Community Center

Ms. Mary Barse explained in depth the reasoning and the process of the archeology study. She explained that in order to expedite the study, SHA does an archeological evaluation to determine potential impacts and now they need to do a detailed study. SHA does not do detailed archeological study for all alternates identified because the field work is costly. At this time, SHA has narrowed down the alternates and knows the probable alternates will impact the identified archeological sites. Now is a good time to do an archeological study to determine the full extent of the site and what kind of mitigation is warranted.

MD 97 Brookeville Focus Group Meeting
Page 4

Ms. Mary Barse stated that there are several possible ways to mitigate the site. Preservation in place requires the site to be preserved in its current location. Typically, sites which are significant to the historic nature of the community are preserved in place. She noted that once a site is removed from its location it is removed forever. If the identified historic archeological sites in Brookeville needs to be preserved in place, the project could be delayed because the probable alternate(s) must be realigned to miss the site. The other form of mitigation is Data Recovery. Data recovery can be performed during the design phase of the project. Three weeks of fieldwork will be needed to do data recovery for each site (total of three months will probably be needed to complete the study). The consultant will be asking for public input in order to create an interpretive plan for these resources. The Town Commissioners understand what needs to be done and supports the archeological study, however they are concerned about what the study will mean to the schedule of the project. Ms. Carmen Harris noted that the phase II archeology is underway and a report on the findings is expected in May 2002.

A citizen asked who decides the significance of the historic site and if it needs to stay in place. Ms. Barse stated that the SHA makes a recommendation and then a further determination is made in coordination with the Maryland Historic Trust (MHT) and the Advisory Council.

An attendee asked if SHA would realign the southern part of bypass since all of the alternates impact one of the archeological sites. Ms. Carmen Harris stated that the alternates were not being modified at this time and will await the results of the archeological study. Ms. Mary Barse noted that the site at the southern end could be mitigated with data recovery. The site closer to Brookeville Road; however, will require the careful analysis and must await the result of the archeological study.

A citizen noted that the SHA must maintain a balance between the archeological study and the transportation needs that the community has been trying to get addressed for over 40 years. SHA should pay more attention to preserving a town that is intact and not just buried artifacts.

Environmental

Ms. Shannon Rousey explained that SHA has met with the Maryland National Capital Park and Planning Commission (MNCPPC) to discuss possible sites for mitigation. Restoration areas were then identified following a field visit. East of historic Brookeville near Brighton Dam Road was identified as possible wetland mitigation site.

Several citizens suggested that SHA consider investigating the Reddy Branch stream bank where it crosses MD 97 because it floods often and is over grown. SHA will look into this suggestion.

SHA provided a brief explanation of the noise evaluation and stated that noise would be an agenda item for next meeting.

MD 97 Brookeville Focus Group Meeting
Page 5

Comments

A number of citizens from Islander Street were present at the Focus Group meeting. The citizens from Islander Street were dissatisfied because they were not invited to the Focus Group meeting. Carmen Harris explained that the Focus Group Meeting is not a Public Hearing, but a group that was appointed in 1998 to work with SHA and disseminate information back to the community. The meeting was not advertised like a Public Hearing. Ms. Carmen Harris explained that the SHA was not excluding residents from the process or the meeting, but simply inviting the members of the Focus Group and informing them of the recent developments. Nevertheless, a number of citizens requested to be included in the Focus Group.

Questions

1. Will alternates shift closer to Islander Street once the archeology site is determined?
Ms. Carmen Harris stated that the alignments would not be shifted closer to Islander Street.
2. Are there plans to inform the focus group about the results of the archeological study?
SHA can return in the summer to present the findings.
3. What is the capacity of the roundabouts?
The roundabouts can accommodate more traffic than a 4-way stop or signal controlled intersection and they can accommodate the future traffic demands.
4. What is the County's position on the alternates?

Bob Simpson of Montgomery County Department of Public Works and Transportation (MCDPW&T) stated that the County bodies wait for comments from the Public Hearing and recommendations from SHA before the County Executive and Council makes a recommendation. The SHA will schedule the necessary meetings with the County prior to SHA meeting with their Director.

Joe Anderson of MNCPPC noted that they support Alternate 7.

The Town was concerned that the County may come in with a different opinion especially with the potential of the archeological derailing the bypass.

Enclosures (3)

cc: File
Attendees
Ms. Jamaica Kennon



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

MEMORANDUM

Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Carmeletta T. Harris
Project Manager
Project Planning Division

DATE: August 13, 2002

SUBJECT: MD 97 Brookeville Project
Transportation Study
Montgomery County
MO 746B11

July 24, 2002 MD 97 Brookeville Focus Group Meeting

A MD 97 Brookeville Focus Group meeting was held on Wednesday, July 24, 2002 at the Brookeville Academy, in the Town of Brookeville. The following people were in attendance.

- | | |
|-----------------------|--|
| Ms. Carmeletta Harris | SHA, Project Planning Division |
| Ms. Jamaica Kennon | SHA, Project Planning Division |
| Mr. Ruel Manuel | SHA, Project Planning Division |
| Ms. Mary Barse | SHA, Cultural Resources, Project Planning Division |
| Mr. Dan Hardy | M-NCPPC |
| Mr. James Sorensen | M-NCPPC |
| Mr. Bob Simpson | Montgomery County DPW&T |
| Ms. Lauri Putt | Aide to Montgomery County Council/Dacek |
| Ms. Karen Kahl | Rummel, Klepper & Kahl, LLP |
| Mr. Ray Moravec | URS |
| Mr. Leslie Unglesbee | Brookeville Commissioner |
| Mr. Clyde Unglesbee | Citizen |
| Mr. John Ferinde | Citizen |
| Mr. Peter Weinberger | Citizen |
| Mr. Patrick Smith | Islander Street Resident |
| Mr. Timothy Hansen | Islander Street Resident |
| Ms. Nora Blau | Greater Olney Civic Association/Tanterra HOA |

My telephone number is _____

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MD 97 Brookeville Focus Group Meeting
July 24, 2002
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Mr. Mike Anderson	Islander Street Resident
Ms. Margaret Syski	Citizen
Mr. Leszek Syski	Citizen
Mr. Dave Eskenazi	Greater Olney Civic Association
Mr. Josh Rubin	Islander Street Resident
Ms. Gudrun Rubin	Islander Street Resident
Mr. Michael Snell	Islander Street Resident
Ms. Patricia Snell	Islander Street Resident
Mr. Wilmer Theard	Islander Street Resident

Handouts included:

- Meeting Agenda
- Noise Handout
- Archeology Impacts Mapping
- Archeology Impacts Photos
- Archeology Glossary

Introduction and Purpose of the Meeting

Carmeletta Harris began the meeting with introductions. She then proceeded with the purpose of the meeting. The purpose of the meeting was to follow-up on the March 18, 2002 Focus Group meeting, primarily present the findings of the archeology study and secondly answer remaining questions and concerns regarding noise impacts/analysis.

Noise Impacts/Analysis

At the request of citizens from the previous Focus Group meeting the noise specialist involved with the Brookeville Transportation Study was brought in to speak with the Focus Group. Mr. Ray Moravec of URS (Consultant) provided the discussions regarding the highway noise analysis undertaken for this study.

Mr. Ray Moravec began with a discussion of what noise is, noise sources and how sound levels are measured. Basically highway noise is primarily the result of tires making contact along the road, vehicle emissions and vehicle braking. Mr. Moravec stated that failing Level of Service (LOS) does not necessarily equate to the greatest noise impacts, rather, noise is typically greatest during steady traffic flow at or about Level of Service "C" or "D".

Noise is measured in terms of decibels (dBA) in logarithmic (non-linear) scale. Mr. Moravec noted that the human ear can typically perceive a noise increase of 3 dBA, and a 7-dBA increase is perceived as a doubling of noise intensity. The Federal Highway Administration (FHWA) uses a criterion of approaching/exceeding 67 dBA as a qualifying mark for considering possible mitigation.

MD 97 Brookeville Focus Group Meeting
July 24, 2002
Page 3

The State Highway Administration (SHA) uses FHWA's noise abatement criteria. When noise levels for outside activities approach or exceed 66 dBA or when there is a 10-dBA noise increase over existing conditions noise abatement will be evaluated. In order for a property or a community to qualify for noise abatement, a series of feasibility and reasonability criteria are applied under SHA's noise policy. Should noise abatement be determined to be feasible, reasonability is analyzed based on the cost benefit per resident. In accordance with SHA's Sound Barrier Policy, a noise barrier should not exceed \$50,000 per benefiting residence.

In highway noise analysis, the future sound levels for the proposed build alternates are compared against existing sound levels. Forecasting of future noise levels is determined using traffic noise modeling software approved by the FHWA. Field sound levels and traffic data is used to validate the traffic noise model. Mr. Moravec noted that the traffic noise models have an accuracy of +/- 2 dBA.

A few properties along MD 97 at the northern and southern limits of the project exceeded the 66-dBA criterion or experienced an increase of 10 dBA or greater. There are no properties along Islander Street forecasted to exceed 66 dBA. The projected increase due to any of the build alternates for Islander Street is approximately 5 dBA (48 dBA existing to 53 dBA with Alt 7, 8A, 8B).

Several questioned why existing (today) noise was the basis of comparison, why not 20 or more years ago; Mr. Moravec indicated that because the analysis is based on average level of operating traffic (LOS 'C'), it would not make a significant difference. The worst-case 10 years ago would be the same as the worst case today because the traffic facility (i.e. no drastic roadway alignment) remains unchanged. Another citizen queried whether there is a possibility of verifying future noise readings after the roadway improvements are implemented. Mr. Moravec indicated that the communities could request that SHA monitor noise levels at the completion of any roadway improvement. All requests for post construction measurements will be evaluated by SHA on a case by case basis.

A few members of the focus group requested copies of the Noise Report.

Archaeology

Mary Barse of SHA (Project Planning Cultural Resources Group) presented an overview of the archeological findings. At the previous meeting the focus group was made aware that a Phase II archaeology study would be undertaken to determine the potential historic significance of two identified affected sites. The first site is located at the southern limit of the project near the Longwood Community Center and the other is located off Brookeville Road near the intersection of Brookeville Road and MD 97.

MD 97 Brookeville Focus Group Meeting
July 24, 2002
Page 4

All western build alternates impacts the southern site. The degree of impact is the same for Alternate 7 and 8B. The Phase II archaeology concluded that southern site is not will maintained or intact. Foundation and structural remains uncovered at this site are believed to be the remains of a 19th century rental house for an old farmstead. Because the site is sparsely scattered with structural remains, the site is not recommended as eligible for the National Register. The Maryland Historic Trust (MHT) is the agency that will ultimately decide on the eligibility and the need for preservation. SHA is not recommending additional work.

Alternates 7 and 8B impact the other site off Brookeville Road. This site is part of the Maryland National Park and Planning Commission (MNCPPC) parkland. Newlin Downs Mill site is the core area where structural remains are evident above ground. A Millrace (trail) along the south side of Brookeville Road is associated with the Newlin Downs Mill. Handouts provided at the meeting indicate the difference in impact between Alternates 7 and 8B. Alternate 8B impacts a portion of the millrace only (structural remains will be intact); Alternate 7 impacts would be extensive.

The Newlin Downs Mill structural remains are believed to the part of a mill or the millworkers' house. The mill itself is one of the two mills in Brookeville. Other features are evident in the landscape such as an old well. The entire site and the Millrace are recommended as eligible for the National Register. SHA is also recommending that impacts to this site could be mitigated through the process of data recovery.

A citizen queried what this means in terms of the process. Ms. Barse noted that the schedule remains the same. If data recovery is recommended by MHT it will likely be implemented prior to the construction stage. Another citizen queried what can be done if preservation in place is selected. Mary Barse confident on receiving concurrence from MHT cautioned the group that if MHT recommends preservation in-place, an avoidance alternate must be developed or mitigation would be required. Ms. Barse noted however that there is probably no easy way to mitigate the impacts.

The archaeology report as well as SHA's recommendation will be submitted to MHT in the next few weeks (no exact date was given) for concurrence. MHTs' final recommendation will ultimately play a role in the final alternate selection process. Ms. Barse stressed however that the archaeology is only a contributing factor and not the deciding factor in the selection of the SHA preferred Alternate.

MD 97 Brookeville Focus Group Meeting
July 24, 2002
Page 5

Other Discussions

Carmeletta Harris continued the discussion and updated the focus group on recent project developments. A MD 97 Brookeville team meeting was held July 22, 2002. The project team was briefed of the results of the Phase II-archaeology. As a result of the team meeting Ms. Harris informed the focus group that the team is divided between Alternate 7 and Alternate 8B and would like feedback from the focus group taking into consideration the results of the archaeology study. Citizens from the focus group expressed great concern. Islander Street residents somewhat satisfied with the noise analysis were still reluctant to a build alternate. An Islander Street resident noted that either Alternate 7 or nothing at all is his preference. By show of hands however, a majority of the focus group voted that they still prefer Alternate 7 over Alternate 8B.

Future Steps

Carmeletta Harris noted the remaining project schedule. Prior to the selection meeting, Montgomery County will be conducting a public hearing regarding the MD 97 Brookeville project to aide them in their recommendation to SHA. Dan Hardy of the Maryland National Capital Park and Planning Commission (M-NCPPC) encouraged the focus group to attend and voice their concerns (date, time and location for this venue will be forthcoming). The Administrator's Selection meeting is tentatively scheduled for early October 2002. A newsletter will be mailed out describing the SHA selected alternate shortly thereafter. No more focus group meetings are anticipated for this project.

Enclosures ()
cc: Attendees

D. GREATER OLNEY CIVIC ASSOCIATION CORRESPONDENCE



Greater Olney Civic Association

Post Office Box 212 Olney, Maryland 20830
Website Address: <http://www.goca.org>

GCA Officers

- President
Robert Brodsky
Cherrywood
- Executive Vice President
John Kopanda
North Creek
- Vice President
James Folk
Hallowell
- Vice President
Steve Smet
Norbeck Meadows
- Recording Secretary
Lene Rosenheim
Highlands of Olney
- Corresponding Secretary
Dan Lyons
ROCA
- Secretary
Mary Peck
Norbeck Meadows
- Immediate Past President
Mike Kelley
Hallowell
- Fields Chairman
Donald Berger
Norbeck Meadows
- Transportation Chairman
Steve Eskenazi
Norbeck Meadows
- Business Liaison
Mark Coburn
Norbeck Grove

Member Organizations

- Key Chamber of Commerce
- Montgomery County Citizens Advisory Board

October 30, 2001

Ms. Carmen Harris, Project Manager
Project Planning Division
State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202

Dear Ms. Harris:

The Greater Olney Civic Association (GOCA) has a longstanding interest in the Brookeville bypass, in no large part because of the potential effects of the road project on Olney residents, and on traffic north of the town center of Olney. GOCA recognizes as well that even though a bypass will affect Olney residents, the massive increase of traffic on Route 97 through the Town of Brookeville during the past few years has exceeded the capacity of the road through the town, and threatens the integrity of the town.

As a result of these and other considerations, GOCA feels strongly that the selected bypass alternative should:

1. Avoid impacting the fields at the Longwood Recreation Center;
2. Not include a bridge(s)
3. Cross Brookeville Road at grade; and
4. Include berms as appropriate, and maintain as many of the trees alongside the bypass alignment as possible to minimize the visual and noise impact of the bypass, to minimize the impact on the environment, and to eliminate the need for more intrusive structures, such as sound barriers.

Based on our understanding of the alternatives, GOCA believes Alternative 7 accomplishes those objectives far more effectively than the other alternatives, and thus, GOCA supports the construction of Alternative 7 of the bypass.

GOCA comes to this conclusion after a great deal of involvement in the issues surrounding the construction of the road. Mr. David Eskenazi, the GOCA Transportation Chair and Bypass Focus Group Member, has led discussions about the bypass at numerous GOCA meetings during the past few years, including animated participation from the Olney Village Home Owners Association, about the value and impact of the bypass.

Members

- Briars Acres
- Brookeville Knolls
- Camelback Village
- Cherrywood
- Christie Estates
- Environ
- Goldmine Crossing
- Hallowell
- Highlands of Olney
- Homeland Village
- James Creek
- Lake Hallowell
- Manor Oaks
- Norbeck Grove
- Norbeck Meadows
- North Creek
- Oak Grove
- Olney Mill
- Olney Oaks
- Olney Square
- Olney Towne
- Olney Village
- Perspective Woods
- Southeast Rural Olney
- Sycamore Acres
- Tanterra
- Towns at Environ
- Victoria Springs

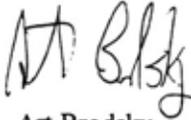
burg Village

The issues discussed at GOCA meetings have been the basis of numerous conversations between GOCA and the Commissioners of the Town of Brookeville to identify common concerns and positions related to the bypass. Presentations by you and your predecessor, Mr. Paul Maloney, further expanded our understanding of the issues.

The willingness of you, Mr. Maloney, and others at SHA to request our input, and to share information about the planning of the Bypass Project has alleviated numerous concerns that once existed about the Bypass. As a result, GOCA supports the construction of a Bypass that minimizes the visual and noise impact for nearby residents, and that protects the environment to the maximum extent feasible.

Again, I want to thank you for the significant efforts you have made to involve GOCA, member civic associations and Olney residents in the planning efforts for the bypass. I would also like to commend you on the success of those efforts.

Sincerely,



Art Brodsky

President

Greater Olney Civic Association



*Maryland Department of Transportation
State Highway Administration*

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

November 29, 2001

Mr. Art Brodsky
President
Greater Olney Civic Association
P. O. Box 212
Olney MD 20830

Dear Mr. Brodsky:

Thank you for your comments regarding the MD 97 Brookeville Project. The State Highway Administration (SHA) encourages public involvement and appreciates your comments. Your support for Alternate 7 has been noted. Your concerns regarding the Longwood Recreation Center fields and, the visual and noise impacts have been noted as well.

At this time, the at-grade and grade-separated connection at Brookeville Road will continue to be evaluated for each of the alternates. The SHA will also make every attempt to minimize any impacts near the Longwood Community Center as well as the residents along the proposed bypass.

The next step for this project will be the selection of a preferred alternate. This decision will be made in the winter 2001/2002. During this process, continued coordination with the federal, state and local government agencies will occur. The citizen comments received at the MD 97 Brookeville Location/Design Public hearing held on Wednesday, October 3, 2001 will be also utilized in the decision making process.

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Mr. Art Brodsky
Page Two

Again, thank you for your interest in the MD 97 Brookeville Project. If you have any further questions or comments, please feel free to contact Carmeletta T. Harris, the project manager, at 410-545-8522 or toll-free in Maryland at 1-800-548-502 or via email at charris@sha.state.md.us.

Very truly yours,

Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

By: 
Melissa Kosenak
Project Engineer
Project Planning Division

cc: Ms. Carmeletta T. Harris, Project Manager, State Highway Administration
Ms. Shannon Rousey, Environmental Manager, State Highway Administration