

PHASEA1:D8D7A1:D18	ITEM	OPTIONS/ACTIONS	COMMENTS
<p><b>On-going activities unaffected by P3 Status</b></p>	<p>Communicating with the Town</p>	<p>Send out "Special" Forecast monthly updating residents on PL pro and con issues, Use Town Crier for weekly update</p>	<p>Monthly cost of Special Forecast</p>
	<p>Understand where political leaders stand on PL</p>	<p>Communicate monthly with Berliner and local State delegates regarding mitigation concerns</p>	<p>This will require structured effort by TOCC Council</p>
		<p>Meet with political leaders to understand their views</p>	<p>This will require structured effort by TOCC Council</p>
	<p>Monitor Federal and County legislation to understand how mitigation activities may be affected</p>	<p>Hire firm to track legislation including Independent Transit Agency</p>	<p>Monthly cost to track legislation</p>
	<p>Evaluate MAG requests, commitments and outcomes</p>	<p>Reach out to MC Council, State legislative delegation and federal delegation regarding commitments</p>	<p>Monthly cost of assessment and lobbying</p>
	<p>Understand implications of Hogan changes on FTA, MTA and County Council</p>	<p>Town to ask FTA, MTA and Council to respond to questions</p>	<p>Limited new cost -- use of Town staff</p>
<p><b>On-going activities (Before award of P3 Contracts)</b></p>	<p>Oppose Purple Line</p>	<p>Fund Lobbying Firm</p>	<p>Will require considerable level of funding. Unclear what is the expected successful outcome. Continues adversarial stance by town.</p>
		<p>Fund Continued Legal Opposition</p>	<p>Will require considerable level of funding. Unclear what is the expected successful outcome. Continues adversarial stance by town.</p>
		<p>Provide declaration to enhance Administrative Record for Citizen lawsuit - option for declaration open only until September 18, 2015</p>	<p>Builds on Town/Sam Schwartz study re ridership flaws and the work done/commissioned by the Town over the years on the Purple Line. Gives leverage to this and stormwater work and to MAG work on noise, safety. Approximate cost \$5000</p>
		<p>Fund/support (but not join) citizen lawsuit through expected trial in spring 2016.</p>	<p>Lawsuit is funded by individual contributions from citizens within and outside of Town to nonprofit Friends of the Capital Crescent Trail. Town has previously funded research by Friends such as the hydrology report on PL. Low to medium depending on level of support chosen by Town.</p>
		<p>Town files Notice of Intent, and then its own lawsuit, under Maryland "mini"-NEPA and related law to require new EIS and environmental compliance.</p>	<p>Provides Town with additional leverage point with which to secure meaningful mitigation or alternative. Cost of sustaining a lawsuit in MD court (\$50,000-\$90,000?).</p>
	<p>Prepare for Purple Line</p>	<p>Support Citizen Suit to Challenge EIS</p>	<p>This strategy would allow the Town to increase leverage over mitigation needs. It could lead to new EIS and potential improvement in environmental issues -- stormwater, noise, etc. Could also continue adverse image of Town.</p>

	Prepare for Purple Line	Document Potential Mitigation Issues including noise, water, public safety, potential toxic hazards etc.	These should cover both construction and operation phases. They should be broken out into major categories such as: safety, noise, water quality, and aesthetics.
		Document Purple Line Mitigation	Differentiate legally binding from soft
		Review Town Legal Authorities	What authorities does the town hold for access and impact on town property.
		Retain Professional Technical Assistance to Monitor the Purple Line Project	A firm with expertise in transit projects and their impacts. To be extensively used during design phase.
	Monitor Ongoing Process	Hire Firm to Track Process	Modest costs
		Use Town Employees and Volunteers	No cost and limited risk
		Establish a Town funded Construction Project Office (pre-construction)	Monthly cost of office
<b>Post P3 Contract Award</b>			
Architecture and Design	Review Contract Mitigation Commitments	Committee Review	Dependent on non-technical
	Request P3 contractor mitigation commitments	Review by Professional Technical	Will cost money.
		Request From Council	Potentially with assistance from
	Identify Mitigation Actions that Town	Pressure P3 contractor	Explore legal and public relations
Construction	Monitor compliance	Technical Analysis Required	Important to estimate costs and
		Rely on P3 Contractors Commitments	No cost but no guarantees.
		Design and Implement a Noise	Funding required and technical
		Design and Implement a Water Quality	Funding required and technical
	Feedback to P3 contractor	Track and Monitor Residents'	Low cost process but requires
		Passive One Way Process	Limited effort required.
	Initiate Plans to Support Town Side	Establish Formal Process to Provide	Time commitment of town
Initiate Plan to mitigate bondary	Provide funding and guidance to	Address issues related to roadways,	Monthly cost of monitoring
Operation	Monitor Compliance	Continue monitoring programs	Choose subset that merits
		Track and Monitor Residents'	Low cost process but requires
	Feedback to P3 contractor	Passive One Way Process	Limited effort required.
		Establish Formal Process to Provide	Time commitment of town

## Ideas, Issues and Questions raised

Establish a positive working relationship with the Concessionaire who'll be responsible for the 2/3 of the project MTA has not designed  
Help the Town agree on acceptable cost-sharing arrangements between MTA, the County and the Town for underpass costs the State won't cover  
Identify the best possible access point from Lynn Drive to the underpass  
Push for better storm water management during Purple Line construction and operation  
Prioritize and address other mitigation issues expected to arise during design and construction  
How realistic is thinking that the Purple Line will not be built?  
Should information about how the Purple Line will operate be disseminated?  
Are there misunderstandings and misconceptions about the Purple Line that should be dispelled?  
Why is there opposition among residents to spending more money on "Purple Line assistance"?  
How prevalent is opposition among residents to spending more money on "Purple Line assistance"?  
How cost-effective would spending more money on "Purple Line assistance" be, considering the portion of the town represented by properties that abut the right-of-way?  
Will construction of the Purple Line result in "destroying" the Capital Crescent Trail?  
Will construction of the Purple Line result in enhancing the Capital Crescent Trail?  
How realistic are fears that that the Purple Line will degrade the environment?  
How likely to succeed is the private lawsuit filed against the Purple Line based on environmental claims?  
If the private lawsuit filed against the Purple Line based on environmental claims were to succeed, what could be gained?  
If the private lawsuit filed against the Purple Line based on environmental claims were to succeed, what could be lost?  
If the Town of Chevy Chase were to financially support the private lawsuit filed against the Purple Line based on environmental claims, what jeopardy to the Town of Chevy Chase would that present?  
Could further spending on "Purple Line assistance" result in bankrupting the Town of Chevy Chase?  
Has spending by the Town Council on "Purple Line assistance" injured the reputation of the Town of Chevy Chase?  
Should efforts be made to improve the reputation of the Town of Chevy Chase?  
Has spending in secret by the Town Council on "Purple Line assistance" degraded the politics of the Town of Chevy Chase?  
Should efforts be made to repair the degradation of the politics of the Town of Chevy Chase caused by spending in secret by the Town Council on "Purple Line assistance"?  
What opportunities and possibilities will the Town of Chevy Chase have to mitigate the effect of the construction and operation of the Purple Line?  
Did past negotiations on mitigating the effect of the Purple Line reduce future opportunities and possibilities for the Town of Chevy Chase to mitigate the effect of the construction and operation of the Purple Line?  
If past negotiations on mitigating the effect of the Purple Line reduced future opportunities and possibilities for the Town of Chevy Chase to mitigate the effect of the construction and operation of the Purple Line, what lessons should be learned?  
Will the Purple Line serve the greater good?  
Do citizens have an obligation to serve the greater good?  
Should the Town retain professional assistance to monitor the Purple Line project until the concessionaire is chosen and then work with the Mitigation Advisory Group, the concessionaire and MTA during the design phase to ensure the Purple Line is a good neighbor?  
A civil engineering firm with expertise in transit systems, mitigation and storm water management can review the other issues on the matrix and assess their importance to the Town. I hope LRP submits a single, simple, direct recommendation along the above lines, with an accompanying streamlined matrix of other concerns for the professionals to triage.

### Monitoring

Set up Construction Project office, ombudsman and community relations/communications focal point  
Hire experts in construction/environment/safety to monitor

### Construction Period

Construction disruption & management & roadways  
Cost of construction/maintenance  
Construction start date and duration

### Environment

Water runoff and noise mitigation measures monitoring  
Implement own mitigation measures

### Operations and safety

Train service intervals  
Platforms & structures  
Systems, tracks, utilities, cables, maintenance yards/shops

### Architectural issues

Architecture/Aesthetic features/art at stations and along right of way  
FTA

Will the FTA require a supplemental Environmental Impact Statement (EIS) given the changes that have been made to the Purple Line by the State of Maryland?

Will the FTA require a new Record of Decision if a supplemental EIS is required?

Given that the proposals from private developers will not be due until late this year or early next year, will the FTA wait until those proposals have been received to consider evaluating the Purple Line for the New Starts program?

As previously requested, can you provide us with information regarding the TIFIA letter of intent (LOI) that was submitted by Maryland MTA?

Will ridership numbers need to be invalidated or reexamined given lower train frequency

### MTA

When will the MTA (or its contractor) recalculate the ridership numbers based on the modified headways and when will this information be publicly available?

Have there been any proposed changes to the sound walls along the alignment?

Will any of the proposed changes affect noise levels along the alignment?

Are there any changes to the way stormwater run-off will be handled, especially between Connecticut Avenue and downtown Bethesda?

Will there be any at grade crossings between Connecticut Avenue and downtown Bethesda that were not previously planned along the alignment?

### County

Does the County intend to make any changes to amenities related to the Purple Line, including the Capital Crescent Surface Trail, for which it is responsible?

What is the status of additional County funding for the Purple Line project?

What is the status of the proposed independent Transit Authority (ITA), and what is the process to continue to consider establishing this agency?

In light of the numerous changes proposed to the Purple Line by the State of Maryland, will the County reconvene the community group that previously met to discuss mitigation issues?

Hogan plan cuts call for a 40ft wide bridge over Rock Creek vs 70ft in the original plan. Does that mean there is no Crescent Trail on the bridge. As I recall that not the MTA problem. So has the County budgeted that solution if any?

Spending money to generate correct figures on anything in regard to Purple Line may be a waste. A recent article in Post on the Silver Line the projected usage was off by 30%, for officials, not a problem. But shows projected usage numbers are irrelevant. See Leggett and as much at a luncheon I attended.

Mass transit advocates must be a bit nervous in that even METRO rider ship on all Lines is down again Post. This not suppose to happen. One reason more gov't agencies are telecommuting. My old agency is now about 30-35% telecommuting.

Prior articles in Post more money will be needed from Montgomery Co and regional partnerships because of this drop in rider ship for the operating expense of METRO.

The Purple line will destroy much parking land. Does park land in itself have value? I recall in researching history of Elm St. park 8 houses were purchased from the owners and torn down. What would that cost in current dollars? What about lost property tax revenue. So park land has value and to see it destroyed and not mention its fiscal value to me is wrong.

### (1) Timelines and options given all the current uncertainties:

What are the various possible timeline scenarios affecting the Purple Line and what do those mean for Town options for action?

This question needs to be asked because unresolved funding issues and challenges, unresolved permitting issues, and a lawsuit that is proceeding in full, together may result in significant delays and/or significant modifications to PL as currently envisioned.

That is, the timetable and nature of the project are likely to change greatly given the recent decision by the Governor and the new budget realities of the State and Federal Governments -- that is:

1. the financial conditions that the counties to come up with the money that the State will not provide,
2. the legal uncertainties, such as, the federal lawsuit by Town citizens and Friends of the Capital Crescent Trail and supported by many within, and outside the Town, key permits not yet applied for regardless of lawsuit; and
3. other uncertainties such as federal funding now that FY15 funds will have been missed.

### (2) In terms of environmental impacts, what do or don't the FEIS and ROD tell us?

The FEIS is structured so to reflect various headings/categories, and these are a useful starting point and checklist, including: Visual impacts, air quality, noise, vibration, habitat and wildlife, streams, water resources, water quality, hazardous materials, environmental justice -- direct, indirect and cumulative impacts

But, under those categories, the validity of the assessments of the impacts of the PL provided by the FEIS is questionable (and is being challenged in court).

Moreover, the design and permitting process of the PL is still incomplete (with much of it to be provided by the private concessionaire).

In terms of commitments, which are in the ROD, most of the statements and commitments in the ROD are only that:

In other words, on most environmental impact issues, there is insufficient analysis in the FEIS and there are few or no specific commitments in the ROD.

### (3) What are the impacts on the Town and the local environment that cannot be mitigated?

*Loss of tree buffer and 'urban forest' greenway, and of all the public health and other benefits that forested public greenway provides.*

*The loss of the trees and mature tree buffer, and of the benefits that they convey, constitute impacts for which little or no mitigation is possible at the local and Town level. This is a major*

Benefits (many of which can be quantified in terms of ecosystem services) include not only walkability of a "nature trail", hiking commute and recreational benefits, including for local retirement communities and pre-schools; but also air quality benefits; sound buffering for the entire Town from the part of downtown Bethesda is north of the Town; water retention, filtration, and quality; bird and other wildlife habitat benefits; cool shade, heat island temperature regulation and Direct, indirect, cumulative impacts

heat island buffer against an expanding downtown Bethesda, which would be replaced by a heat-generating system of tracks, gravel and asphalt from which trees must be kept away because of category wire protection and track maintenance concerns.

### (4) How can we build on work that has already been done and that is available?

--The Town's Mitigation Advisory Group has focused on securing sound and safety mitigation, and secured some form of mitigation (sound wall and crossing) those in the Record of Decision in the event that the Purple Line is built.

--Regarding stormwater runoff, the Town has supported the development of a report under the aegis of Friends of the Capital Crescent Trail, that includes input and review from several experts including Town hydrologist consultant Doug Lohmayer. An interim copy of the report was submitted to the Town in May. The report is expected to be finalized this summer.

--An analysis of flaws in the environmental analysis was developed in comments provided at the time of the FEIS by several groups, and by the Town, and more recently in the complaint/federal lawsuit by citizens/Friends of the Capital Crescent Trail lawsuit that is supported by many citizens outside and within the Town.

--The Town's own lobbying contracts have garnered valuable information that can be used fruitfully.

### (4) Environmental stewardship:

"As design with relevant agencies to comply with the law".

Does our Town want to focus on a defensive posture regarding mitigation of local impacts within Town borders (noise, construction, runoff into Town properties, etc)?

Does our Town want to consider environmental stewardship regarding impacts on the environment from the Purple Line not just within the Town but also on the environment that is close to the Town (such as Coquelin Run and Rock Creek) also impacted by the Purple Line, and the interaction and overlap of Purple Line with Downtown Bethesda Sector Plan?

**(6) Given all of the above, we recommend a matrix approach that doesn't just start with "construction" but also includes a look at options now and in the Pre-Construction phase to better address the issues raised above, and starts with the following questions:**

What is the likelihood of significant modifications to current PL proposal?

What modifications would reduce costs, provide similar or higher transit benefits, have less impact on the environment, and benefit public health and other communities and not just TOCC, but TOCC and other communities could propose and advance?

What is the feasibility of such big-picture modifications that would promote environmental stewardship while also reducing costs?

How are any more specific mitigation measures, or other alternatives, to be secured?

[1] Citizens who are part of the lawsuit also had to submit a Maryland FOIA to obtain the Forest Stand Delineation Report, which MTA did not release publicly as part of its FEIS although I