

Town of Chevy Chase
Purple Line Mitigation Committee
Community Meeting
April 12, 2016

Minutes

On April 12th, Michael Madden, the Deputy Project Director of the Maryland Transportation Agency's Purple Line Project attended the Purple Line Mitigation Committee to answer questions from the Committee and residents. Residents were invited to submit questions beforehand. Mr. Madden made a brief opening statement describing the status of the Purple Line and then answered questions posed to him by the Chair and members of the Committee. He stayed for approximately one hour. After Mr. Madden left, the Committee first discussed their reactions to Mr. Madden's responses. Then, the floor was opened up for everyone in attendance to participate in a discussion.

The minutes for the April 12 meeting are divided into two sections. The first section is a paraphrased summary of the question and answer period. The second is a brief summary of the "takeaway" points that the committee and those in attendance felt that Town should act upon.

Project Timing / Additional Design Work

Now that the Maryland State Board of Public Works has approved the Public Private Partnership contract, what is the timing of future approvals and the start of construction?

Ans: The action by the Board of Public Works means that we have reached a "commercial close" of the contract with Purple Line Partners. The State will still be negotiating the "financial close," which it anticipates concluding by June. In addition the State expects to conclude a full funding agreement under the New Starts program with the Federal Transportation Agency this summer at which time it will have access to \$100 million and construction commence.

The Town would like to cooperate with the State on the construction of the Purple Line and would like to have some input and technical review of the construction that will take place on the trail adjacent to the Town. Would that be possible?

Ans: The time for technical input was several years ago. MTA does not plan to have the Town provide technical input at this time. The major design issues have been set, although MTA welcomes input on aesthetics.

The MTA has divided the 16-mile Purple Line corridor into 8 districts. Each district will have a Community Advisory Team (CAT) to address local issues and create two-way communication. There will be one team devoted to the area from Bethesda to Rock Creek Park. See

<http://www.purplelinemd.com/en/public-involvement/community-advisory-teams-cats>

What can you tell us about the proposal to tear down the Apex building where the Regal Cinema is located and build a terminus for the Purple Line there?

Ans: The State is prepared to work with the Carr organization with respect to the building they might construct to replace the Apex building, but the timing must be right. The Carr organization is responsible for building the second tunnel for the trail. I don't believe that Carr has bought the building yet. The construction of the elevators to make a southern entrance to the Bethesda Metro station is independent of the Carr project and is beginning now with the relocation of utility lines on Elm Street.

What will be the State's role in creating a safe crossing at Lynn Drive? What will the Town/County need to do to complete the Lynn Street crossing?

Ans: The final design provides for elevating the track and building a tunnel near the present Lynn Street Drive crossing. However, the State will not be responsible for constructing the connecting paths to the tunnel from the Town to the tunnel or from the tunnel to the north side of the Purple Line. The present path to the trail is on private property and does not comply with the Americans with Disability Act. The cost of the connecting path to the tunnel will have to be paid by the County and/or the Town.

Does the State plan to use the Town's roads for its construction vehicles or to "stage" materials for construction?

Ans: No. The contract with the concessionaire prohibits the use of residential streets for access or staging. There are designated places along the construction site for construction vehicles to enter the right of way.

During construction, will the State need to remove fences that are properly located on residents' property?

Ans: The State cannot enter private property or remove fences, without first obtaining the owner's permission through the negotiation of an easement. In the event that it does need to gain access to private property during construction, it will have to negotiate a "use easement."

Will the signed contract be a public document that the Town can review?

Ans: The signed contract is a public document and may already be posted on the Purple Line website.

Construction Phase

Town residents are especially concerned for the construction phase disturbances. When do you expect construction to occur behind town property? And, how long will this be happening?

Ans: Construction on the trail adjacent to the Town could begin as soon as this fall and is expected to continue through 2020.

What can you tell us about how storm water runoff and noise will be mitigated during construction?

Ans: With respect to noise, the final design includes a four-foot high wall where the rail passes by residential neighborhoods and “skrits” on the trains to deflect the sound. Because most of the noise is caused by metal wheels hitting metal tracks, the sound generated by the passing train is relatively low to the ground. The MTA’s sound engineers determined raising the wall would not appreciably lower the noise level. Also, the horn would only be used to signal danger. A bell is used when the train approaches a station and it is unlikely that anyone would hear the bell since it would be sounded inside the tunnel. The effect of the “skirt” and the wall is to reduce the amount of noise by 12 decibels.

As for the runoff, the State and the Concessionaire will comply with all federal, state and local laws. (Note – the committee understands that as a result of waivers issued by the County, the volume of runoff to Coquelin Run could still be double what it is now. Also, the rezoning of downtown Bethesda under the Bethesda Sector Plan will increase the amount of impermeable area. This will result in even more runoff into Coquelin Run.

We would like to know if night time construction is foreseen and if so what measures will be taken to minimize nighttime noise and the glare of construction lights and vehicles?

Ans: As of now, nighttime construction is planned for the overpass of the trail at Connecticut Avenue but not for the trail adjacent to Town. Any nighttime construction would have to comply with County noise rules.

Isn’t there a risk of hazardous runoff (e.g. deposits of PCB’s) during construction? How will the State manage this risk?

Ans: Because this question relates to the pending lawsuit, I cannot answer this question other than to say that the State will comply with all laws.

Also what oversight and measurements will be made to monitor compliance?

Ans. The contract with the concessionaire contains construction and operational performance standards. The failure to meet these standards could result in a reduction in certain payments to the concessionaire. Consequently, the failure to comply with the conditions in the contract could result in a financial cost to the concessionaire.

In the event of community disturbance during construction will there be a process to raise issues to the contractor and adjudicate their response?

Ans. Yes, the Community Advisory Teams will be the vehicle to communicate with the MTA over issues related to the construction.

I've heard that the county may require trees within a certain distance of the PL be removed. Is this true? If so, what is the distance?

Ans. The State has no plans or authority to remove trees on private property. However, in the course of construction, roots of trees on private property that extend into the right of way may need to be cut and/or removed making some trees unstable. Consequently, some of these trees that have their roots affected may need to come down.

During construction the trail will be closed temporarily. How will MTA communicate closures and maintain pedestrian movements and pedestrian access in the project corridor to the extent reasonably feasible?

Ans. Yes, once construction begins, the trail will be closed and will remain closed until construction has been completed.

How will MTA reach out to high school students from the town who cross the trail to reach BCC high school?

Ans. The State expects the County to advise high school students about how to get safely to school during the construction and take appropriate measures to ensure their safety.

Can you tell us something about the traction power substations, like where will they be placed, whether on residents' property, how large are they and what is the noise levels at three feet from these buildings?

Ans. The map on the Purple Line website identifies the location of the power stations. One is located near Bethesda. However, because less power may be needed than originally anticipated, it will be even quieter than originally designed. In any event, the noise emanating from the power station should be minimal.

Operational Phase

Because the trail will be within about 12 feet from a passing LRT, what will be the maximum noise levels for people using the trail and will it be within the Federal sound safety standards?

Ans. The concessionaire will be obligated to operate the trains at a noise level specified in its contract and that is in compliance with federal law.

Didn't the replacement of the "green" track increase the amount of noise that will be generated? Is there any chance that we could get the green trackbed back for the stretch of the line behind the Town?

Ans. According out MTA's experts, the green track did not reduce the amount of sound. (Note: Several members of the committee believe that a green track would result in additional noise reduction.)

Where will this wall be placed? Will the wall be on the property line or inside the state right of way?

Ans. The wall will be placed near the track. A fence to prevent entry to the right of way will be placed outside of the wall. Both the wall and the fence will be placed on the MTA's right of way and not on private property.

Will there be overhead lighting throughout the PL or only at stations?

Ans. There will be no overhead lighting along the track.

After Mr. Madden left, the Committee and the Town discussed the Mr. Madden comments and the implications of his responses on the Town's efforts to mitigate the impact of construction and operation of the Purple Lien.

1. The Town will not get an opportunity to engage in any technical input to the remaining design work. Consequently, the monitoring of construction to ensure compliance takes on greater importance.

More than ever, the Town needs to engage an engineer to review the standards that the concessionaire will be required to meet and to ensure that the concessionaire complies with those standards.

The Town also needs to retain a water engineer that can monitor stormwater runoff. It might be very helpful to measure the quantity and quality of water in Coquelin Run now so that it can be compared to conditions in the future after construction commences.

2. Because of the potential impact of construction on the roots of trees on private property, the Town needs to retain an arborist to take a census of trees that could be potentially affected and determine how best to ameliorate future damage or determine if it's even possible to do anything to protect these trees.
3. The Town should have a point of contact for residents and publicize that contact person. (Note: I spoke with Todd. Calls would come into the Town to Kim. The Town Manager would be the key point of contact for the Town with the MTA.)
4. When the time comes, the Town should consider a line of sight barrier – either trees or perhaps a on the property of owners that border the Purple Line.
5. The Town should figure out how to learn about change orders to the contract that affect the Town so that it can have appropriate input.
6. If the citizen's lawsuit succeeds, the State and/or the concessionaire may be required to do a new or supplemental environmental impact study. The Town should be prepared to give timely input, especially with respect to mitigation choices.
7. The Town should find out what material is being used for the 4-foot sound barrier because different materials may have different abilities to absorb sound.
8. The Town should work with the Maryland Department of Environmental Protection to ensure that all environmental laws and regulations are followed, especially with respect to water runoff, treatment and containment of hazardous waste.
9. The Town should work with the staff of the Montgomery County Planning Board to address the combined runoff of storm water and its impact on Coquelin Run.