

TOWN OF CHEVY CHASE, MARYLAND

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TOWN COUNCIL

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PURPLE LINE INFORMATIONAL MEETING

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MONDAY,
JUNE 22, 2009

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The Council convened at 7:00 p.m.
in the Town Hall of the Jane E. Lawton

Community Recreation Center, 4301 Willow Lane,
Chevy Chase, Maryland, Kathy Strom, Mayor,
presiding.

COUNCIL MEMBERS PRESENT:

KATHY STROM, Mayor
PATRICIA BURDA, Secretary

DAVID LUBLIN, Treasurer
AL LANG, Community Liaison

FACILITATOR:

PHILIP FAVERO

STAFF PRESENT:

ANDI SILVERSTONE
DAVE WALTON
WARREN RIZZI

C-O-N-T-E-N-T-S

AGENDA ITEM	PAGE
Welcome and Introductions	3
Review of Town's Actions To Date.	11
Review of Specific Issues Town Raised in DEIS comments	24
Review of upcoming State and Federal Schedule	31
Resident Questions.	37
Town's Options Moving Forward	57
Resident Questions.	75
Resident Comments	103
Adjourn	

1 certainly open the doors here as well. But
2 we've got a few more windows maybe we can
3 open. And we apologize.

4 The purpose of tonight's meeting
5 is to provide information on the Purple Line
6 project. We are really not here tonight to
7 have our public hearing or to debate the
8 merits; we really wanted just to have a
9 session where we could provide information
10 about the town's action to date; review the
11 town's submissions to the state; and review
12 the schedule, the state and federal schedule,
13 moving forward; and to talk about potential
14 next steps.

15 There will be time for resident
16 questions at two points during the meeting,
17 and there will be time for resident comments
18 as well at the end.

19 This is a chance for you to ask
20 some factual questions, and also to raise
21 issues that you would like to share with your
22 fellow residents.

1 Tonight we have with us a
2 facilitator, just to keep us all very free,
3 honest, cordial and well behaved. Philip
4 Favero is a retired faculty member from the
5 University of Maryland. But he was an
6 extension specialist in community development
7 for 24 years. The majority of his work was in
8 strategic planning, organizational development
9 and leadership development.

10 He recently facilitated a public
11 meeting in Annapolis about a controversial
12 public issue, what to do with the currently
13 vacant Annapolis market house. Several years
14 ago he facilitated an agreement between
15 environmentalists and farmers and others on
16 the Eastern Shore about what to do with public
17 drainage ditches, and for that effort he
18 received the Maryland governor's citation.

19 Dr. Favero has degrees in history
20 and political science and received a Ph.D. in
21 agricultural economics. He currently lives in
22 Annapolis. So we are happy to have you with

1 us, Dr. Phil, I think you are willing to be
2 called, and thank you so much for joining us.

3 DR. FAVERO: Good evening,
4 everybody. Can you hear me back that way?
5 Great.

6 Well, as Kathy Strom said, I'm
7 Phil Favero, and I'm happy to be with you here
8 tonight. My role is to be the facilitator.
9 I have no position on the issue at hand, on
10 the Purple Line. I live in Annapolis. It's
11 your decision, and I trust you will make a
12 good one. It's nice to see that so many
13 people came out tonight.

14 What I'd like to start with is a
15 set of what I would call proposed ground
16 rules. And I say proposed, because they are
17 up for discussion. And my hope is that we can
18 come to an agreement on how we are going to
19 relate together at this meeting. And that you
20 will be as eager to have these ground rules
21 enforced as I am because they will be your
22 rules, not my rules. One of which is cell

1 phone time quiet.

2 Okay, as Kathy mentioned, recently
3 I was involved in a meeting in Annapolis over
4 a controversial issue there. If you have been
5 to Annapolis recently you know that the
6 Annapolis Market House is closed. That's not
7 a very happy situation, so we had a couple of
8 meetings about that. So I drew from the list
9 of the ground rules that people accepted at
10 that time, and I thought, well, let's see if
11 they work here as well.

12 One is to demonstrate civility.
13 It's going to make it a lot easier for
14 everybody if we related nicely to each other.
15 It doesn't mean we all agree; civility doesn't
16 require agreement, it just requires respectful
17 behavior.

18 Another ground rule I will suggest
19 is make the comments brief, make them
20 instructive. We have a very ambitious agenda
21 tonight; it's going to be a challenge to get
22 through it and as Kathy said to have time at

1 the end for resident comments. So if you can
2 make your comments brief and constructive, and
3 the speakers have gone into that idea as well.

4 Listen respectfully; that's part
5 of civility. No one dominates. There are a
6 number of people here. We need to respect
7 each other and let everyone have an
8 opportunity to participate.

9 Cell phones on quiet. Stay on the
10 agenda -- that's a big responsibility that I
11 have is to help us move through this agenda in
12 a timely fashion. But I really need your help
13 to be able to accomplish that as well.

14 I heard one other ground rule that
15 was suggested, and that is that this is a
16 meeting for residents to speak, and although
17 visitors are welcome, the town is very
18 interested in capturing the comments of
19 residents.

20 And when you do make comments,
21 we'll ask that you come to the podium here.
22 I know that's quite a hike from back there.

1 But if you could come to the podium and maybe
2 line up here if there is more than one. And
3 speak into this microphone which will be able
4 to record in a way that would be impossible if
5 people are speaking from different parts of
6 the room.

7 Are there any questions about
8 these ground rules?

9 Is there anything you'd like to
10 add? Have we missed anything here?

11 Everybody in agreement? Shall we
12 move ahead in this way? I see heads nodding.
13 Okay, that's great.

14 All right, without any further
15 adieu, what I'm going to do is turn to Pat
16 Burda how is going to -- does everybody have
17 an agenda by the way? No? We need more
18 agendas. There are agendas up here I believe.

19 Who needs an agenda? Lots of
20 folks. Can we bring some over this way,
21 please?

22 (Pause)

1 DR. FAVERO: Okay, what we are
2 going to have is a series of three speakers.
3 We are going to have three speakers.

4 Pat Burda is going to review the
5 town actions to date relative to the Purple
6 Line. Then Kathy Strom will come back. She
7 is going to talk about a review of the
8 specific issues that the town raised in the
9 DEIS comments. And then finally David will
10 speak, David Lublin. He is going to review
11 the upcoming state and federal schedule.

12 And what I'd ask you to do is take
13 notes, listen well, again to move through this
14 agenda we are going to have to be very
15 economical with our time. So I'm going to ask
16 you t listen to these three presentations, and
17 then we'll have time afterwards. And in your
18 reactions what I'd request is that you make
19 them in the form of questions, and that they
20 be questions around the facts. The time for
21 offering your opinions will be at the end of
22 the meeting. But this is just a time to

1 clarify, or is there something important left
2 out. Is there something that was said that
3 needs more clarity? That kind of question.

4 And then we'll try to preserve a
5 good amount of time at the end of the meeting
6 for folks to offer opinions.

7 Okay? All right, let's begin with
8 Pat, and we'll do the three presentations, and
9 then we'll have about 10 minutes for
10 questions.

11 COUNCIL MEMBER BURDA: Hi, for
12 those of you who don't know me I'm Pat Burda.
13 I'm a new councilmember from the town of Chevy
14 Chase. I was formerly the chair of the town's
15 long-range planning committee. And I know a
16 lot about the Purple Line. But I don't know
17 as much as you, Mike, and I'd like you just to
18 introduce yourself.

19 We have somebody here from the
20 state, and I appreciate that you are here.

21 MR. FLOOD: My name is Mike
22 Flood.

1 COUNCIL MEMBER BURDA: Great, so
2 thanks for coming.

3 What I wanted to do to start out
4 with -- and also I just wanted to mention,
5 when you do stand up to make your comments or
6 questions, please announce who you are so that
7 we have it as part of the public record.

8 There are some seats also over
9 here if anybody wants to sit over this way,
10 and I'm going to go ahead and start.

11 Okay, what I'm going to do right
12 now is to kind of walk you through how we got
13 where we are today. And there is no jazzy
14 fun way to put this. It's just going to be a
15 statement of, we did this and then we did
16 this, and then we did this. So I apologize,
17 but I think that there has been a lot of
18 questions about how the town came to make
19 decisions, how much money has been spent, a
20 variety of things. So I'm just going to go
21 through kind of how we got this started.

22 One June 6th in 2007 the town held

1 a public hearing in order to invite residents
2 to come and speak about their thoughts on the
3 Purple Line. At that meeting 25 people spoke
4 out in support of the existing trail;
5 alternative routes; and town expenditures. Or
6 they questioned ridership and cost
7 projections, and the benefits of the state's
8 proposed Purple Line.

9 Four people spoke at that meeting
10 in opposition to any town expenditure.

11 In addition 22 people wrote in
12 saying that they felt the Purple Line proposal
13 needed more study, and that the town should
14 obtain expert advice.

15 In addition a group letter with
16 140 signatures supporting further study of
17 viable alternatives was submitted. Only one
18 written comment came in in opposition, and
19 that person noted that we should wait until
20 the release of the DEIS before conducting the
21 proposed town study, so the study can be
22 targeted to certain issues.

1 After that meeting, which we felt
2 was pretty unanimous in support of doing
3 something more, the council decided to
4 allocate \$250,000 in the FY '08 budget for
5 retaining consultants to assist the town in
6 analyzing the state's alternative analysis.
7 We issued an RFP, and we interviewed a number
8 of transportation consultants, and ultimately
9 hired Sam Schwartz' firm, Sam Schwartz
10 Engineering from New York City, in the fall of
11 2008. This is a pro transit firm. They knew
12 nothing about the Purple Line before they came
13 here. And they are an internationally
14 recognized firm. So we felt that we had good
15 outside counsel to assist us.

16 Pretty quickly after the
17 consultants started reviewing the state's
18 material they noted that the Jones Bridge Road
19 alternative, which was the least expensive bus
20 rapid transit alternative, and the least
21 expensive built alternative, had some issues
22 around it that they wanted to look into some

1 more. It was the only built alternative that
2 was being proposed by the state that would
3 miss their Capital Crescent Trail from Jones
4 Bridge Road into Bethesda, where the actual
5 right of way narrows from 100 feet to 66 feet
6 and then down to 33 feet.

7 When they were looking at the
8 materials, they quickly came up with some
9 problems that they saw in the analysis in
10 terms of how it was being analyzed by the
11 state. They reviewed the materials and they
12 held three public meetings over the course of
13 several months where they presented their
14 findings, including one that was at a town
15 meeting in May right before the election or at
16 the time of the election.

17 They also held a presentation for
18 the council in March of 2008 regarding their
19 findings, and at the April, 2008 meeting the
20 council endorsed the following position.

21 The SSE in reviewing the Jones
22 Bridge Road bus rapid alternative, felt that

1 there were ways to make it a more viable, real
2 competitive option than the way the state was
3 looking at it. Unfortunately, the state, in
4 an effort to keep this alignment as the lowest
5 cost built alternative, ended up creating an
6 alternative where the bus rapid transit system
7 actually ran slower than the local buses
8 running in regular traffic. And that kind of
9 triggered them that these numbers just don't
10 make any sense.

11 So the town then formally
12 requested the state to take another look at
13 this alternative and to optimize that
14 alternative as required by federal guidelines.

15 The reason why this alternative is
16 so important to fully consider and to have the
17 public fully consider was the alternative's
18 potential in helping to alleviate the traffic
19 increases that were noted in the BRAC DEIS,
20 due to the relocation of Walter Reed to
21 National Naval Medical Center. And the BRAC
22 DEIS, and I apologize, DEIS means Draft

1 Environmental Impact Statement, and with any
2 federally mandated project you have to follow
3 a process through NEPA and as one -- which is
4 the National Environmental Protection Act,
5 Agency or something, and the DEIS is part of
6 that, this Draft Environmental Impact
7 statement. So as part of the BRAC
8 environmental impact statement they noted that
9 there was going to be an increase of traffic
10 on Jones Bridge Road of about 15 to 17
11 percent, which comes to about 190 cars per
12 rush hour right in front of the North Chevy
13 Chase Elementary School, additional cars, than
14 what's currently there.

15 The other reason that we thought
16 that this alternative was so important was
17 because it fully optimized, and our
18 consultants took a look at what would make
19 this alternative a better alternative. They
20 felt that for about \$600 million you could get
21 a better light rail and it would serve about
22 56,000 people, whereas the state's analysis of

1 the mid to high and light rail cost anywhere
2 from \$1.2- to \$1.68 billion. And so it was
3 basically for \$1.2 billion you could I think
4 get I think it was 62,000 riders per day, and
5 we were saying that for half the price we
6 could get 56,000 riders.

7 So we thought that this was a
8 better bang for our buck.

9 (Off-mike comment)

10 COUNCIL MEMBER BURDA: Best rapid
11 transit. Best rapid transit. The state never
12 looked at light rail along Jones Bridge Road.

13 And then it would also obviously
14 save two miles of the Capital Crescent Trail
15 from any disturbances, and this was of course
16 the narrow right of way and going through the
17 tunnel into Bethesda. So that area could
18 remain untouched by the impacts of any kind of
19 transit system along the trail.

20 On May 31st, in 2008, we held an
21 event on the trail, called Connect with the
22 Capital Crescent Trail. I'm sure many of you

1 were there. WE had 18 community groups who
2 joined the town in hosting this event. The
3 town spent for that event \$4,897.22. And we
4 received an additional \$4,030 from outside
5 donations. And that doesn't include the in-
6 kind donations from Honest Tea, Big Wheel
7 bikes, and FunFit Family Fitness.

8 And over 500 people attended. It
9 was a great day; we had a lot of people turn
10 out. We had information along the trail so
11 that people could learn more about what the
12 true impacts would be on the trail. And we
13 were there, and Sam was there and led a tour
14 down the trail.

15 And several of our elected
16 officials also attended.

17 In the FY '09 budget, \$150,000
18 were allocated to the project on top of the
19 original \$250,000, and we considered this
20 allocation as part of the regular budget
21 hearing process, and it was done because there
22 had been so much work, and I have to say this,

1 the state has been very good about meeting
2 with us. We had lots of meetings with the
3 state. We had reports that we did. The state
4 responded. We had to respond to their
5 reports. There was quite a bit of back and
6 forth with the state on the part of SSE, and
7 we were hoping that we could encourage the
8 state then to put this revised alternative
9 into the DEIS for public comment.

10 So it cost more than we had initially
11 thought. We also had a lot of meetings with
12 elected officials and groups to try to educate
13 people about what were some of the issues that
14 we were raising.

15 In the late fall of 2008 we
16 decided that in making our comments to the
17 Draft Environmental Impact Statement that the
18 state issued we should retain a legal counsel
19 to assist us. It's a complicated process. It
20 was a lot of information that we wanted to
21 make sure that we handled the best way. And
22 we were very happy that Sidley and Austin

1 offered to do this on a pro bono basis, and
2 they worked closely with SEE in providing the
3 town's official comments to the DEIS.

4 In November 2008 the town
5 allocated an additional \$30,000 for SSE,
6 again, because of the amount of work that they
7 had been putting into it, and into the review
8 of documents, and then in helping to prepare
9 the DEIS comments.

10 Since then we have requested two
11 Freedom of Information Act, we have made two
12 Freedom of Information Act requests to the
13 state for documentation, the first one being
14 for documentation related to outstanding
15 questions that we had posed to the state that
16 we had not yet received answers for, and some
17 of that information has been provided to us,
18 but some of the most interesting information
19 has been withheld as being proprietary
20 information and they won't release it. And
21 that's information primarily around rider
22 ship, how they derived the rider ship

1 estimates, and what the assumptions they were
2 using in order to get their numbers.

3 Secondly we requested from the
4 state all the public comments that had been
5 made in response to the DEIS. We have a big
6 box of over 5,000 pages that we received from
7 the state and we are in the process of going
8 through them now.

9 So the total that we have spent to
10 date on this effort is \$423,633.34. Did I say
11 that right? We spent so far \$417,817 for SSE;
12 we still have not spent the additional 30- so
13 we have some money that we have taken from the
14 FY '09 budget and moved into the FY '10
15 budget, correct? And the trail rally cost
16 the town \$4,897.22, and then we had to pay the
17 state copying money in order to provide us
18 with the information that we requested for our
19 FOIA, and that came to \$919.12.

20 So we still have \$12,000 in a line
21 item budget for SSE for moving forward.

22 I would encourage town residents

1 to visit the town's website. We have tried to
2 make as many documents -- I think we have made
3 all documents available that the town has
4 produced, and many of the documents that the
5 state has produced -- available online. It
6 used to be that if you just went to town of
7 Chevy Chase dot org it was right on the front
8 page. We have since moved it into the body --
9 I didn't do this but somebody did -- moved it
10 into the body of the website, so that it's now
11 under boards and committee, and then under
12 long range planning. So you can see many of
13 the documents right there that we have
14 produced.

15 And I have to say obviously that
16 for all the money that has been spent, I can't
17 tell you how many countless volunteer hours
18 have also been spent on the project, and many
19 of you in this room have spent many many hours
20 doing things.

21 So that's where we are.

22 DR. FAVERO: We're going to hold

1 the questions until the end of the three
2 speakers, please.

3 Okay, Kathy.

4 MAYOR STROM: Okay, my next job -
5 - I'm Kathy Strom, and my next job is to try
6 to describe fairly succinctly in plain English
7 what it is that our legal document says. This
8 is our comments on the draft environmental
9 impact statement. We submitted them in early
10 2009, and the lawyers drafted them. We had
11 help with it from the consultants, and the
12 consultants' technical analysis was included
13 and attached to our legal comments.

14 But just to start with an overview
15 of what the process is, and Pat alluded to the
16 fact that this is a required process for a
17 project that receives federal funding. There
18 must be an environmental impact statement, and
19 the draft environmental impact statement, the
20 DEIS, was released by the state in the fall of
21 '08.

22 So for any major transportation

1 project that seeks federal funding, this
2 document must be released. And we just quoted
3 in our paper what it is that's the purpose of
4 this draft environmental impact statement.
5 And especially in this context, there were six
6 different alternatives that the state laid out
7 in terms of possible routes. And Pat
8 mentioned the Jones Bridge Road BRT, there
9 were numerous other light rail alternatives.
10 And each of them is slightly different, has
11 slightly different impacts, different costs,
12 different rider ship data. So each of them
13 is required to be set forth and analyzed for
14 their full impact, their full cost, their full
15 environmental benefits or harm. Just to quote
16 briefly and then I'll go on to what we
17 actually said. Just to give you the
18 background.

19 The purpose of the review process
20 mandated by the National Environmental Policy
21 Act is to ensure that environmental
22 information is available to public officials

1 and citizens before decisions are made. The
2 information must be of high quality, accurate
3 scientific analysis, expert agency comments
4 and public scrutiny are essential. Agencies
5 must rigorously explore and objectively evaluate
6 all of these alternatives, and devote
7 substantial treatment to each alternative
8 including in detail each proposed action so
9 that the reviewers and decision makers, which
10 includes I think the public, may evaluate
11 their comparative merit.

12 Okay, so with that in mind, we
13 looked at what the state had published. We
14 considered the analysis we had received from
15 our consultants, and basically looked at what
16 the state had done with regard to each
17 alternative with a goal being so the best
18 alternative can be selected. This is designed
19 to ensure a fair and transparent selection.

20 When we looked at this we
21 discovered significant flaws in the state's
22 analysis, and in our view a failure to treat

1 each of the alternatives in an objective, fair
2 and complete manner. We identified numerous
3 of the flaws which had been set forth in our
4 Sam Schwartz study, and then we identified
5 some additional ones as well that are required
6 by law.

7 And one is, for example, that MTA
8 failed to consider the environmental impacts
9 of the transit-granted development along the
10 Purple Line route, especially along Chevy
11 Chase lake, adjacent to the tributary of Rock
12 Creek Park. They failed to consider the
13 different impacts of the JBR BRT in terms of
14 the effect on the trail, and the effect
15 relating to that development. They mentioned
16 that there would be as potential large
17 development at Chevy Chase Lake, but they
18 didn't analyze that there would be different
19 outcomes for the Jones Bridge Road Bus Rapid
20 Transit alternative, because that, the Jones
21 Bridge Road alternative, would not go adjacent
22 to that development and adjacent to Copeland

1 Run there. So that was a significant
2 environmental impact that wasn't included.

3 The failure to analyze in detail
4 the clear cutting which they acknowledge would
5 be required on the trail west of Connecticut
6 Avenue, and that -- the JBR, Jones Bridge Road
7 BRT alternative would not have that
8 environmental impact.

9 We also set forth the ways in
10 which the MTA did not fairly consider the
11 Jones Bridge Road alternative by failing the
12 optimize the benefits of that route; by using
13 flawed assumptions; and failing to recognize
14 the benefits of direct service to the NIH and
15 the National Legal Medical Center in light of
16 the BRAC relocation to Walter Reed to NNMC.

17 One example of that is the use of
18 outdated 20-year-old transportation data and
19 population data when we have new census data
20 that should have been used in looking at the
21 effects of the transportation.

22 The other thing we pointed to was

1 that the cost of the light rail alternative
2 along the trail were not fully stated, because
3 they didn't include important costs such as
4 the cost of the new entrance at the Bethesda
5 Metro, the cost of the tunnel project to bring
6 the light rail all the way through the tunnel
7 here which is adjacent to the town to Woodmont
8 Plaza.

9 AT the same time the benefits in
10 our view were overstated, and overall we
11 called for a supplemental DEIS, because times
12 have changed. We have new circumstances.
13 This project was started five-plus years ago,
14 before we knew about the BRAC relocations. So
15 the new data should have been used. The
16 impacts of BRAC should have been included.
17 The needs of NIH should have been more fully
18 evaluated. And not to do so makes the entire
19 study flawed.

20 To date we have not heard back
21 from the state about our submission. We
22 understand it's a requirement that our

1 comments be answered, but there is no specific
2 timeframe.

3 In addition we have now started to
4 look at the comments from other parties, and
5 there are many including the National Naval
6 Medical Center which also questioned the rider
7 ship data, in the state's study, as well as
8 EPA that requested further analysis of the
9 cumulative effects which I was talking about
10 from projects, and those environmental
11 impacts. And we have now been through a
12 number of comments, and there are many other
13 citizen groups and other residents that have
14 made similar comments to ours.

15 And the whole document, for your
16 light bedtime reading, is available on the
17 website, or a copy can be obtained from the
18 town office.

19 Thank you.

20 DR. FAVERO: Okay, and finally,
21 David who tells me he likes to be brief.
22 Good.

1 COUNCIL MEMBER LUBLIN: Hi, my
2 name is David Lublin, and I'm a member of the
3 town council as well.

4 I was actually a member of the
5 long range planning committee also before I
6 was elected. And once I was elected I became
7 the council liaison to that committee. Now
8 I'm the liaison to the environment committee,
9 and looking forward to working with them.

10 I must say as a college professor
11 it's a real privilege to get to speak to you
12 tonight, because I don't usually get to bore
13 people to tears, in summer, as I do in the
14 other seasons of the year. (Laughter) Thank
15 you.

16 Also the only other piece of side
17 information I would add is if you were
18 wondering who in the town was hit by that
19 incredible lightning storm last week, it was
20 my home, and I have many destroyed appliances
21 and tree branches that you are welcome to have
22 as a souvenir.

1 Lost everything else, but oddly
2 not -- let me just leave it, it was so
3 powerful when we had moved in we had
4 dismantled the previous burglar alarm system.
5 It was so powerful it set off the alarm system
6 we no longer have. Okay? (Laughter) It was
7 shocking.

8 My job tonight is to review the
9 upcoming state and federal schedule. Now that
10 Tad and Kathy have outlined sort of what we've
11 done to outline what is going to happen next
12 in the bureaucratic process, and hopefully
13 I'll get this right.

14 The first thing is that the
15 governor is expected to announce his, that is
16 the state's official locally preferred
17 alternative for the proposed Purple Line no
18 later than July 21st. However at the same
19 time another project, the Corridor Cities
20 transit Way, which is the proposed system in
21 the up county in Montgomery County, is
22 supposed to have its public hearings on June

1 16th and June 18th, and the comment period for
2 the Corridors Cities Transit Way closes at the
3 end of that month.

4 The governor we continue to be
5 told wants to have all three state transit
6 projects, the Purple Line, the Corridor Cities
7 Transit Way, and the Red Line in Baltimore,
8 not to be confused with the Red Line that is
9 having trouble today in Washington, to assess
10 together and to send them to the federal
11 government together. But it remains the
12 governor's prerogative to move on the Purple
13 Line independently of the two other projects.

14 Once the governor announces his
15 preferred alternative for the Purple Line,
16 both the mode, that is light rail or bus-rapid
17 transit, and alignment, the state submits
18 what's called a new starts criteria package
19 for the Purple Line locally preferred
20 alternative to the FTA, Federal Transit
21 Administration. This could be 30 days or
22 earlier after the governor announces the

1 preferred alternative. Once the FTA rates the
2 project, and assuming that it gets a
3 recommended, that is positive, rating, the
4 Maryland Transit Administration, MTA, will
5 submit a request to initiate preliminary
6 engineering to the STA.

7 During this preliminary
8 engineering phase the final environmental
9 impact study, survey -- statement, thank you -
10 - not to be confused with the DEIS, but the
11 FEIS will be prepared and circulated for
12 comments. This final EIS will include
13 responses to comments including like those
14 Kathy just outlined submitted by the town on
15 the draft EIS, as well as commitments on
16 mitigation, and required resource permits.

17 Following the review of the FEIS,
18 the FTA would issue a record of decision
19 completing the federal environmental review
20 process. This record of decision will
21 probably follow shortly after the mandatory
22 30-day waiting period following public release

1 of this FEIS. The record of decision or ROD,
2 in case we didn't have enough acronyms or
3 abbreviations tonight, is the Federal okay by
4 us to move forward for consideration of new
5 starts funding. It makes the project eligible
6 to receive federal funding; not necessarily
7 that it will receive it, but to compete with
8 other projects that have also passed this
9 stage in the process.

10 MTA has made it clear that the
11 Purple Line will not proceed, that is, be
12 constructed without federal new starts
13 funding. That program is in the process of
14 being revised as well as we speak, so the
15 standards vary. But let's assume that it was
16 approved, it does get through a positive
17 record of decision, and ultimately sort of
18 beat out the other projects to be funded. The
19 state of course would have to come up with its
20 funding to pay for the project. That amount
21 of money is estimated to be the equivalent of
22 about a one-quarter increase on, say, the

1 gasoline tax would be one way to come up with
2 the amount of money needed for the three
3 projects.

4 The Montgomery County portion for
5 our projects, for the Purple Line, is over
6 \$100 million including say the construction of
7 the elevator on Elm Street, as well as
8 additional mitigation to the trail, and I hope
9 I was brief enough, and want to turn it back
10 over to Bill.

11 DR. FAVERO: Thank you, David.
12 Let's thank all of our speakers for their time
13 and effort.

14 (Applause)

15 Okay, what we'd like to do is take
16 a brief time now for questions and comments.
17 We have more chairs here if anybody -- this
18 would be a good transition time to come
19 across.

20 We are going to take a little time
21 for questions. And remember, what I'm
22 encouraging you to do at this point is not to

1 give your opinion but to ask factual questions
2 about what you heard, something that may need
3 clarification or more detail.

4 And I'm going to call on this
5 gentleman first. He was eager to ask a
6 question after Pat spoke. Can you come up to
7 the podium, please? And others who would like
8 to ask questions, if you could come up here.
9 We'd like to take just about 10 minutes for
10 questions. Again there will be ample
11 opportunity for people to offer opinions at
12 the end of the meeting.

13 Okay, yes, sir.

14 MR. FERREN: Okay, my question was
15 --

16 DR. FAVERO: Can you state your -
17 - what we are going to do is state our names.

18 MAYOR STROM: And address, for
19 the record.

20 DR. FAVERO: Name and address.

21 MR. FERREN: My name is Donald
22 Ferren, and I live at 4009 Bradley Lane. My

1 question relates to Ms. Burda's presentation.

2 At one point early on you said
3 that the engineering consultants were, quote,
4 I think you used the term, pro transit.

5 COUNCIL MEMBER BURDA: Yes.

6 MR. FERREN: Would you explain what
7 that means, and the reason I'm asking the
8 question is whether the choice of the
9 consultant in any way determined the result of
10 their study. Were they truly objective? What
11 was the process of choosing the consultants?

12 Now I can understand how people
13 would say, oh, groaning, this is water over
14 the dam. But --

15 DR. FAVERO: It's a good
16 question.

17 MR. FERREN: It fundamentally
18 determines the thinking about this project.

19 COUNCIL MEMBER BURDA: Right,
20 right. No, I appreciate what you are saying.
21 When we asked the firms -- the firms all put
22 together rather detailed submissions. And

1 when I stated they are pro-transit, they have
2 worked on light rail and bus rapid transit
3 projects in Canada and here in the states, and
4 they feel very strongly about making transit
5 available in communities. They see the need
6 to get cars off the road both from an
7 ecological and kind of just pure traffic
8 management point of view.

9 MR. FERREN: What would be anti
10 transit?

11 COUNCIL MEMBER BURDA: That they
12 would just want you to build more roads and
13 not have any familiarity with transit types of
14 roads, I would say.

15 DR. FAVERO: Thank you, good
16 question.

17 Yes, ma'am. Name and address,
18 please.

19 MS. KAMINSKY: Yes, I'm Naomi
20 Kaminsky, 6903 Oakridge Avenue. Pat, you had
21 mentioned the number of people who had spoken
22 at the hearing and the number of people who

1 have signed the petition and so on. Do you
2 know anything about how the people along Jones
3 Bridge Road feel about this project?

4 COUNCIL MEMBER BURDA: We have
5 met -- Sam Schwartz held a meeting, we held a
6 meeting with the Jones Bridge Road community
7 to try to -- to give them information. And we
8 have reviewed the comments that have been
9 submitted on the DEIS.

10 There have been -- I can't
11 remember, Warren? -- there were probably
12 about, I don't know, nine comments from Jones
13 Bridge Road residents. Very few comments on
14 the part of Jones Bridge Road residents in
15 response to the DEIS. They are very concerned
16 about what's happening to them, and I would
17 say that they had a lot of questions about the
18 bus rapid transit. Their initial reaction was
19 that they didn't like the idea of more
20 transit, but they also don't want the road
21 widened there, and that's what's being
22 proposed. And I'll get into that in a little

1 bit. But it is currently being proposed that
2 there will be widenings on Jones Bridge Road
3 to make accommodations.

4 So I feel they are between a rock
5 and a hard place. But the people right on
6 Jones Bridge Road, there were a variety of
7 comments. Many who did not want to see bus
8 rapid transit, and many who had more questions
9 about it.

10 (Off-mike comment)

11 COUNCIL MEMBER BURDA: Right, and
12 those were put there by action for committee
13 for transit.

14 DR. FAVERO: And what Pat was
15 alluding to, she said in a few minutes, that's
16 is going to be when she will lay out some
17 options, and we'll do that after the
18 questions.

19 Yes, sir.

20 MR. SINCLAIR: Rolf Sinclair,
21 7508 Tarrytown Road in Chevy Chase.

22 I have a question for Kathy. You

1 mentioned that parallel questions have been
2 raised by I believe Navy medical if I got it
3 correct, or at least the resurgence there
4 under BRAC, and the EPA of the state plans.
5 And I wonder if you could enlarge just a bit
6 on that.

7 COUNCIL MEMBER BURDA: Sure, and
8 we could also provide you with copies. The
9 comments of both the National Naval Medical
10 Center and of the EPA, fairly brief. We could
11 also provide you with a copy of that.

12 But National Naval Medical Center
13 was expressing concern about the projected
14 traffic increases along Jones Bridge Road,
15 based in part on the results of the study of
16 the BRAC impact, and they were concerned that
17 the state analysis didn't fully reflect the
18 volume of increased traffic, and that
19 therefore, that the rider ship analysis might
20 not have properly taken into account the
21 volume of increased cars due to the visitors,
22 patients and employees that will now be going

1 to that location.

2 So they were questioning whether
3 the data was appropriate in light of what they
4 knew about the increases. And I think this
5 relates to our comment that the data that was
6 being used was the old data, not the updated,
7 called the MCOG model. So that was how in
8 that instance how their comments were similar
9 to ours.

10 And then regarding EPA, they
11 raised the question of whether there had been
12 sufficient analysis of these cumulative
13 indirect effects, and by that I mean the
14 effects of -- the environmental consequences
15 and impacts to the Rock Creek watershed and
16 Copeland Run of the increased development that
17 is proposed at the Chevy Chase Lakes project
18 which is right there on Connecticut Avenue
19 where the light rail would cross.

20 MR. SINCLAIR: Thank you.

21 COUNCIL MEMBER BURDA: I would
22 like to just add that both of those groups

1 made other comments as well, but those were
2 two particular comments that reflected some of
3 the things that we had raised.

4 DR. FAVERO: Yes, sir.

5 MR. BLACKLOW: Willie Blacklow,
6 6912 Oak Ridge Avenue. I have three
7 questions, but I think they all require very
8 brief responses.

9 First of all you said, Pat, there
10 is a variety of comments I believe a total of
11 nine that came out of the Jones Bridge Road --

12 COUNCIL MEMBER BURDA: Don't
13 quote me on the number.

14 MR. BLACKLOW: I thought that is
15 what you said.

16 COUNCIL MEMBER BURDA: I said I
17 think nine.

18 MR. BLACKLOW: I would like to know
19 how many of those comments favored the bus
20 rapid transit? If you could supply that
21 answer.

22 COUNCIL MEMBER BURDA: I can do

1 that.

2 MR. BLACKLOW: Question #2, Senator
3 Madaleno, the Monday before last, said that he
4 says there is no money available; none. And
5 he was very firm on that fact. Is there is no
6 money available, either federal or state, to
7 do anything, bus rapid transit, or light rail,
8 would you consider holding off on a lawsuit
9 beyond the 30 days. In other words, if the
10 governor announces there is no money
11 available, why would we start paying lawyers?

12 COUNCIL MEMBER BURDA: My
13 understanding is that once the record is --
14 and Mike, you might be able to answer this too
15 -- once the record of decision has been made
16 or announced you only have 30 days to file
17 suit. Is that correct?

18 VOICE: I don't actually know
19 the answer to that.

20 COUNCIL MEMBER BURDA: We will
21 look into that. We would love it if we could
22 wait.

1 MAYOR STROM: Let me say that
2 while I really trust Senator Madaleno. I
3 think he is very very knowledgeable. I don't
4 know for a fact that there is no money,
5 because I think that a number of reports have
6 talked about funds that will be made available
7 for this project. So I think that is one of
8 the areas where we just don't have all the
9 current information, although I certainly
10 respect his point of view. But I'm not
11 certain that what he says is absolutely
12 correct.

13 MR. BLACKLOW: I want to endorse
14 what you just said. I'm not so certain
15 either, and that leads to further
16 complications. But I'm not certain he's
17 accurate on that either.

18 Thirdly in the recently handed out
19 document here, your town neighbors that you
20 saw outside here, it estimated that amortized
21 over 20 years it will cost us a mere \$25 per
22 household -- I'm sorry, about \$25 per

1 household per year for this lawsuit. So
2 wherever drafted this apparently knows more
3 than we do about how much it's going to cost
4 for the lawyers. I'd be curious to know
5 whether that figure is accurate.

6 (Off-mike comments)

7 MR. BLACKLOW: My post card said --
8 told you exactly how much the lawyers were
9 going to cost. Is it \$1 million, \$2 million,
10 \$3 million?

11 (Off-mike comments)

12 MR. BLACKLOW: Apparently you
13 haven't seen this, so let me just submit it.

14 (Pause)

15 DR. FAVERO: Just a reminder.
16 There is no ability to record questions from
17 the audience. There is here, so that's the
18 reason we are asking people to come forward.

19 Yes, ma'am, name and address
20 please.

21 MS. KEPLER: My name is Diane
22 Kepler. I live at 7508 Lynn Drive.

1 My question is to Pat. You had
2 stated in your comment that the state in
3 response to our FOIA request by the town,
4 withheld some interesting information
5 including rider ship information and how that
6 rider ship information was calculated or
7 determined.

8 Is the town going to pose legal
9 challenges to their decision to withhold?

10 COUNCIL MEMBER BURDA: We're here
11 to talk about that tonight. So that is some
12 of the stuff that I'll be bringing up in the
13 next portion, one of the things that we need
14 to consider.

15 MAYOR STROM: And just to answer
16 the question, no decision has been made on
17 that point.

18 DR. FAVERO: Thank you.

19 Yes, ma'am.

20 MS. ASHER: I'm Lila Asher. I live
21 at 4100 Thornapple Street.

22 DR. FAVERO: Can everybody hear

1 her?

2 (Chorus of "no")

3 DR. FAVERO: You need to speak
4 up, please.

5 MS. ASHER: I'm Lila Asher. I live
6 at 4100 Thornapple Street.

7 The information sent out said it
8 was going to cost \$25 a year. We have already
9 spent \$450 this year. If the lawsuit is
10 already planned, why this meeting?

11 And also I would like to know if -
12 - how -- is there any limit to the amount of
13 money that can be spent?

14 MAYOR STROM: I would just say
15 that one of the reasons -- I don't know
16 exactly what you read from. There was a post
17 card that the town sent announcing the
18 meeting. There was a different post card sent
19 by a private group that was not sent by the
20 town.

21 COUNCIL MEMBER BURDA: And
22 there's a letter being distributed tonight

1 that is not the town.

2 MAYOR STROM: The only thing the
3 town sent was a post card announcing that we
4 would have an informational session and then
5 a public hearing, because the town has not --
6 the town has not made any final decisions
7 about where we go from here.

8 We have obviously invested, as you
9 say, a bit of money over the past two years.
10 But the question of what will happen now is
11 what we are all here tonight to discuss.

12 MS. ASHER: Well, I gather from the
13 speakers that the lawsuit has been decided.

14 MAYOR STROM: No, absolutely not
15 decided. And really when we allocated our
16 last funds, and all the council members who
17 are here will attest to this, we basically
18 said we wanted to pursue our comments. We
19 felt they were very valid. And while we hope
20 that the state will adopt these comments and
21 adopt that alternative, the state has not yet
22 made a decision. But we are here tonight

1 because we anticipate a decision. We have
2 reason to believe that it may be unfavorable
3 to our position. And want to help people
4 understand where we are, and what our options
5 are, and that's actually what Pat is going to
6 talk about. Because no decision has been
7 made. We will have a public hearing in late
8 July, and then the council will be discussing
9 --

10 MS. ASHER: Well, is there any
11 limit to the amount of money that can be
12 spent?

13 MAYOR STROM: The amount of money
14 that is appropriated by the council for the
15 purpose. I mean that is what the discussion
16 is. Obviously we all want to act very
17 responsibly, and I think we have done so to
18 date.

19 DR. FAVERO: Okay, thank you. We
20 will just take these three questions, please,
21 and briefly.

22 MS. REAL de AZUA: Yes, Christine

1 Real de Azua, 4502 Elm Street. I just want to
2 commend you for very thorough research. And
3 I think, Kathy, you just almost answered my
4 question. I was wondering to what extent the
5 comments that we have submitted were either
6 incorporated into what will go in front of the
7 governor, or is he going to have to look at
8 that separately? What is the basis on which
9 he is going to make a decision?

10 MAYOR STROM: Well, my
11 understanding is -- of course, I think he
12 received something like 2,000 comments on the
13 draft environmental statement, so I'm not sure
14 he's going to read them all personally. But
15 I do think that he is getting a summary of all
16 the different plans, and he is meeting with
17 his Department of Transportation. And Mike
18 can tell us, I assume they are making a
19 recommendation, and he will consider that
20 along with what he has heard from community
21 groups and from the counties involved in
22 making his decision.

1 But it is all part of the record
2 that is technically before him. And while I
3 don't know what form of presentation they may
4 make to him, but it is before him.

5 MS. REAL de AZUA: I was wondering
6 to what extent it gets buried into something
7 and it doesn't fully emerge as an alternative;
8 we don't really know.

9 DR. FAVERO: Thank you, yes,
10 ma'am.

11 MS. SPECTER: I'm Jossie Specter,
12 7202 45th Street.

13 DR. FAVERO: Everybody hear?
14 (Chorus of "no")

15 MS. SPECTER: Okay, Jossie
16 Specter, 7202 45th Street.

17 Two questions that are of interest
18 to me. One, if we proceed with any kind of
19 legal challenge, will we be working with any
20 other groups who also have issues, or are
21 their interests not aligned with ours so you
22 will have various constituencies at each other

1 complicating things?

2 COUNCIL MEMBER BURDA: I am going
3 to address that.

4 MS. SPECTER: Okay, and then my
5 other question is, regarding a budget for
6 this, whatever number it is, I'm not up on the
7 numbers, if it's \$500,000, if it's \$1 million,
8 whatever, is there any consideration given to
9 how that is going to impact other potential
10 capital items in our budget? I know for
11 instance there is talk of street lighting
12 changes that could potentially be an expensive
13 undertaking. And what kind of consideration
14 has there been about that sort of budgeting?

15 COUNCIL MEMBER BURDA: And I
16 would totally agree with your question, which
17 is that in making any decision -- first there
18 is the question -- it's all together, the
19 question of a lawsuit, the question of
20 coalitions, the question of how much if you
21 were in a coalition would each party need to
22 commit. And if we were to commit -- and again

1 I want to emphasize that we are here to
2 discuss all this -- if we were to commit we
3 have to look at all of our resources and all
4 of our reserves. We do have -- we're
5 fortunate, we have significant reserves. But
6 we still need to, as you say, consider all the
7 capital needs of the town as well as just
8 having the reserves for events like terrible
9 storms. And that is definitely part of our
10 deliberative process, in looking at the budget
11 overall. So those are really good questions,
12 and hopefully we will consider all of those
13 factors.

14 DR. FAVERO: And I'm sure that
15 will be a public process.

16 MAYOR STROM: Yes, absolutely.

17 DR. FAVERO: Okay, one more
18 question, and then we'll move to options.

19 MS. SAGGESE: Mary Saggese, 4220
20 Oak Ridge Lane. We have heard some talk about
21 the estimates of what a lawsuit would cost for
22 taxpayers and the town. Has there been any

1 effort to estimate what the cost would be to
2 town taxpayers of the state and country share
3 if the Purple Line were to be built as light
4 rail at \$1.6 billion?

5 COUNCIL MEMBER BURDA: Well, we
6 don't know yet how they'll divvy that all up.
7 What's happening right now I think within the
8 federal processes, in the past the new starts
9 program only gave 50 percent as a max to a
10 particular project, and now there is talk that
11 they may up that, and there may be more
12 projects that are competing, so therefore --
13 so we don't know. But that is something --

14 MR. SAGGESE: The fact is,
15 building the light rail is not free to us as
16 taxpayers either.

17 COUNCIL MEMBER BURDA: Right.

18 COUNCIL MEMBER LANG: So you're
19 asking how is it apportioned across all the
20 residents of Maryland, or just apportioned
21 across the town residents?

22 MR. SAGGESE: Yes, and yes. I

1 mean I think the county residents and the
2 country share is obviously the most directly
3 proportional. A \$100 million county share, X
4 number of households in the county. The point
5 is, that is a non-trivial cost. It's not just
6 the cost of a lawsuit versus no cost. It's
7 the cost of a lawsuit versus the cost of
8 building -- as taxpayers we are going to pay
9 for something either way.

10 DR. FAVERO: Good, thank you.

11 Thank you all.

12 We are going to move to options,
13 and we'll try to be brief again, and we will
14 follow that with more questions.

15 COUNCIL MEMBER BURDA: Before I
16 get into specific options there are some facts
17 or issues that I'd like to raise with you, one
18 of which is the BRAC impacts.

19 Walter Reed is set to open I
20 believe in 2011. The Walter Reed at National
21 Naval Medical Center. Currently the state
22 highway administration has floated some

1 proposals that I alluded to where they are
2 talking about expanding Jones Bridge Road on
3 the east side from Connecticut Avenue towards
4 north Chevy Chase High School. They are
5 talking about adding lanes there in order to
6 make some ramps. And they are talking about
7 taking six houses along Connecticut Avenue in
8 order to allow for this new roadway.

9 And basically what I -- I just
10 wanted to bring that up, because the State
11 Highway Administration is working
12 independently of the state MTA, and this is in
13 flux. Obviously the people along Jones Bridge
14 Road are not happy about this alternative.
15 But it shows that there is something that is
16 going to have to happen there, and the state
17 officials who have written about this have
18 said that they know that there needs to be
19 long term solutions, but they are going to
20 have to start addressing some things
21 immediately, so there are short term things
22 that they are talking about putting in place

1 that will have an impact.

2 So we just need to know that there
3 is something that is going to happen at Jones
4 Bridge Road; we just don't know what that is.

5 Secondly is the issue of the
6 budget reality which we don't know. We all
7 know there is not a lot of money for anything.
8 And so the county doesn't have any money. The
9 state says it doesn't have any money, and the
10 Feds don't have any money. But the Feds are
11 also talking about stimulus money and making
12 monies available for transportation projects.
13 So it's a big question mark.

14 But we did have one meeting with
15 some state budget analysts who when we were
16 walking the trail -- and the reason we did
17 this was because we wanted to point out that
18 in all the documentation we had gotten from
19 the state we have not seen where the retaining
20 walls are going, we have not seen where the
21 ramping is going. We have not seen anything
22 about how construction will take place. We

1 believe that they will probably have to go
2 outside the right of way into resident
3 property. They will need to knock down trees
4 outside of the right of way. They may need to
5 take land outside of the right of way. And
6 that all has cost implications, as well as
7 just quality of life implications.

8 And as I was talking to this
9 person, and talking about you know that we are
10 concerned about how they are going to fit the
11 trail in, and the problems with it going
12 through the tunnel above the trains and over
13 and above the trains, and then back down to a
14 switch back, he said, well, you know in tough
15 times the trail just goes. And that's our
16 concern. When push comes to shove we won't
17 get the trail. So that is something that you
18 should be aware of, that there is a
19 possibility that we will not have a trail.

20 Secondly, the other issue is that
21 there has been talk, if you have a budget that
22 you really can't afford, you could fund a

1 portion of that project with the hope that you
2 will get the money later to complete the
3 project. And there's been a lot of talk that
4 they would start in the Bethesda-Silver Spring
5 area and then wait to see if they get the
6 money to complete the project into Prince
7 Georges County.

8 Prince Georges County has raised
9 this concern in their comments as well. They
10 want it. They want the light rail. They want
11 the light rail, and they want the Purple Line.
12 And they are interested in it because of
13 development potential in Prince Georges
14 County.

15 So one thing that you just have to
16 keep in the back of your mind that there is
17 the possibility that there would be a portion
18 of the money allocated for a portion of the
19 Purple Line and what does that mean for the
20 whole alignment? We don't know.

21 The other thing is, just so --
22 there were some people here when Mark Elrich

1 came and spoke the other night. And anyone
2 who is reading transit blogs like I am these
3 days might know that BRT is being considered
4 as a viable alternative all throughout this
5 region. The Metropolitan Council on
6 Governments, it's transportation planning
7 board, is proposing a BRT alignment, bus rapid
8 transit, that would connect Northern Virginia,
9 D.C. and Maryland.

10 Mark Elrich is proposing one that
11 would connect all kinds of roadways, major
12 roadways and major community centers with
13 business centers throughout Montgomery County.
14 Bus rapid transit is being talked about in
15 many communities. And the reason it's being
16 talked about is you get a lot of bang for your
17 buck. It's much cheaper to build; it's much
18 quicker to build. And it provides a viable
19 quicker alternative to providing the transit
20 that we really need.

21 So if the Purple Line is built as
22 light rail, it will be the third mode if you

1 will -- we have subways, we have bus rapid
2 transit, and then this would be the only
3 alignment of light rail in this area, in the
4 metropolitan area.

5 Also the state was asked by the
6 county to look at other alternatives for new
7 technology types of trains. In particular the
8 county asked the state to look at diesel
9 electric trains that would not require the
10 catenary wires. And the problem with catenary
11 wires is you can't have trees around catenary
12 wires. And that is something that we are very
13 concerned about. We know that to build the
14 light rail on the Capital Crescent Trail all
15 the trees will be removed regardless in the
16 66-foot right of way. The state has made that
17 clear.

18 What could happen would be that if
19 you have a transit alternative that doesn't
20 require the wires, you might be able to plant
21 mature -- canopy trees again in that area.
22 But you can't necessarily if you have -- with

1 the wires. So the state said basically that
2 they didn't like -- or that they thought that
3 the diesel electric vehicles for a variety of
4 reasons wouldn't work for the Purple Line, but
5 there are other alternatives that are being
6 considered that are new technologies, and they
7 will keep that in mind as things progress.
8 But they are too new to actually be able to
9 factor in currently in their budgeting
10 process. But these are things that depending
11 on when that Purple Line might come along that
12 these might be alternative technologies that
13 we could take advantage of.

14 And then last but not least you
15 should know that the secretary, Maryland's
16 Secretary of Transportation, John Porcari, is
17 now the assistant secretary of transportation
18 for the United States federal government. So
19 he is now the man who, you know, helped to
20 orchestrate and feels very strongly about the
21 Purple Line is now working for the federal
22 government. So I just feel that we should get

1 all our cards on the table.

2 Okay, so then some of the options
3 moving forward. Obviously we could stop. We
4 could say, we've given it our best shot. We
5 are not going to do anything more. I'll find
6 something else to do with my spare time, and
7 we will know that the Purple Line is coming.

8 Another alternative is to spend no
9 more money, but to continue to advocate the
10 town's position. And this would be working
11 with -- continuing to work with our elected
12 officials, raising concerns based on --
13 depending on what the state says when it
14 chooses its preferred alternative, and its
15 final EIS, but continue to let individuals
16 know what our position is.

17 Once we have heard from the state
18 regarding its next -- regarding what they feel
19 the next steps, when the governor for instance
20 announces his preferred alternative, and
21 announces the final environmental impact
22 statement, the town could decide to provide

1 additional comments before the record of
2 decision is released. This would basically
3 assess and react to the governor's locally
4 preferred alternative, and the FEIS, FTA will
5 be making a decision about the Purple Line's
6 eligibility for the new starts program. And
7 so we would want to comment based on what we
8 see. We anticipate that this could cost
9 anywhere from \$100-150,000 for attorney
10 assistance, and I don't know but we would
11 probably need to pull in Sam Schwartz, and we
12 have \$12,000 available for them. We may need
13 to allocate more money. But I don't know
14 exactly how much. And it may be that
15 depending on what the state says that the
16 information we have already from Sam Schwartz
17 is sufficient, and we would just to work with
18 the lawyers.

19 Then we could sue or join in any
20 suits, any other suits, for information that
21 is being withheld by the state in response to
22 our FOIA request, which is what you were

1 talking about. Particularly of interest to us
2 is the rider ship data which has not been
3 released. Again I don't have a dollar amount
4 associated with that, but that would be
5 something that we might be able to do
6 ourselves. Or if we decide to go to court on
7 this, there is an administrative process you
8 can go through, or you can go to court on
9 this. It's a matter of timing. And so if we
10 could do it ourselves through the
11 administrative process that would just be --
12 Kathy, or I don't know.

13 Then after the ROD is announced,
14 that is the opportunity from everything that
15 I have gathered when you can initiate your
16 legal action and sue. What we would be
17 depending on again, assuming that the governor
18 did not address our concerns that we raised in
19 the DEIS, and did not alter -- did not choose
20 the Jones Bridge Road BRT alternative, we
21 would argue that the FEIS, Final Environmental
22 Impact Statement, and the ROD fail to account

1 for the comments that were submitted to the
2 DEIS.

3 Now ultimately if the town were
4 successful in the litigation, FTA would not be
5 able to proceed with the project until it
6 completed a redo of whatever portions of the
7 EIS were found to be inadequate, or arbitrary
8 and capricious agency actions.

9 Now I have to say here that
10 arbitrary and capricious agency actions are
11 not easy things to prove. They are provable
12 in cases, but it is not an easy standard to
13 meet.

14 The redo of the EIS could result
15 in a different outcome, and depending on the
16 items remanded, it could take substantial
17 time. I mean it would complete, and you'd
18 have to recirculate it to the public.

19 We have to let you know that if --
20 when you sue you are not going to get the
21 courts to say, wow, you brought great
22 information to us about the Jones Bridge Road

1 BRT alternative, the state was stupid not to
2 go that way. You should build this Jones
3 Bridge Road BRT. What the courts are
4 interested in only is how well you followed
5 the NEPA process. They want to hold the
6 agency to the NEPA process but it does not
7 guarantee an outcome.

8 So what could happen is that we
9 would sue. We would say that the process was
10 not followed properly. A judge would say, you
11 know, you're absolutely right. They buried
12 the information about the Jones Bridge Road
13 alternative in an addendum, and the public
14 didn't have the right to comment on it, and
15 you raised some really important issues, and
16 they got to go back to the drawing board.

17 They go back to the drawing board.
18 They do it all the right way, and they come
19 back and they say, you know, we still like
20 that light rail. So it can happen that we
21 have spent the money and that is what's going
22 to happen.

1 However, it also gives - it does -
2 - because it takes time, we are going to see
3 the real issues on BRAC soon enough. We are
4 going to see why that -- so there are reasons
5 to ask the state to go back and take a look at
6 this, and maybe if they use the right numbers
7 they will see that the Jones Bridge Road makes
8 more sense. So but just so everybody knows
9 moving forward.

10 Now the estimation for the
11 litigation work that could take approximately
12 one year, and that is from filing the
13 complaint to getting a decision, and there is
14 an estimate that it would be anywhere between
15 \$500- and \$750,000. Now this is a rough
16 estimate. We work with the attorneys to
17 define a more detailed discussion with the
18 attorneys. And we have the reserves if it's
19 the town's will to pursue this, but it is
20 something as Kathy mentioned, there are lots
21 of things to weigh.

22 Now there are different possible

1 scenarios for filing -- there are different
2 possible scenarios for filing. One is with
3 coalition support. Now you can file -- with
4 a coalition, we know that there are many
5 communities around here in particular who have
6 written in against putting the Purple Line on
7 the Capital Crescent Trail. Some have
8 endorsed the Jones Bridge Road, but mostly
9 they just want the trail to be saved. And
10 they would be interested in holding the
11 state's feet to the fire in terms of following
12 the NEPA process.

13 There are also other communities
14 who have raised issues on other issues in the
15 analysis, and we could also join them as a
16 kind of larger coalition of individuals. We
17 could do it as one -- we could have different
18 lawyers and build a coalition. We could have
19 one lawyer. There are a variety of ways that
20 we could pursue that.

21 We would -- obviously there is
22 strength in numbers. With a coalition we

1 would undertake fundraising to assist the town
2 in anything we do.

3 Another option would be an amicus
4 that if somebody is filing another suit with
5 the state and we felt that it made sense for
6 us to file an amicus in support of that we
7 could do that.

8 And then we could also file by
9 ourselves, and we would just raise the issues.
10 We could take this on as our own issue.

11 The other thing we should just
12 talk about is that should the trail, should
13 the Purple Line come on the trail, there are
14 things that we would try to do to make it as
15 safe and positive an experience for trail
16 users as well as for residents.

17 We have never again seen specific
18 drawings of what it's going to look like over
19 here. So we don't really know what to react
20 to, because we have only seen one drawing of
21 an at-grade crossing at Lynn Drive, which I
22 have to say, another set of drawings we see a

1 ramp there; there's no ramp shown. It's an
2 at-grade crossing, and there are -- the
3 students from BCC would be crossing there with
4 the trains going by every three minutes at 35
5 to 55 miles an hour. And then there is also
6 another small section of a 66-foot right of
7 way, a cross section. And that one doesn't
8 detail where it is, and it doesn't show the
9 ramps or the retaining walls or any of those
10 things.

11 The types of things that we would
12 want to mitigate for are space allocation,
13 separation of uses, access points to the
14 trail, pedestrian at-grade crossings to make
15 them suffer, landscaping and noise barriers,
16 technological alternatives such as pushing the
17 state to try to use one of the alternatives
18 without the catenary wires, and improved
19 accessibility.

20 I asked SSE to put together a
21 proposal if they were to work with us, and
22 they have developed a contract that would not

1 exceed \$65,000.

2 So then obviously there is some
3 combination there of that we could decide that
4 we wanted to make comments, and to continue
5 our efforts to meet with elected officials,
6 and we want to do the mitigation, but we
7 haven't really decided yet if we want to file
8 the suit.

9 So that's it.

10 DR. FAVERO: Thank you.

11 (Applause)

12 DR. FAVERO: Okay, thank you all
13 for your patience and your attention.

14 We have two pieces left to the
15 program, and they both involve you. The first
16 one is to have a question period again for
17 Pat. So if you have a question, and again
18 these are questions to improve the -- your
19 understanding. If something was not clear,
20 does something need to be explained a little
21 more, that kind of question.

22 Then we will move directly from

1 that to comments. And this will be an
2 opportunity for you to offer your opinion.
3 And I will talk a little bit more about how we
4 can do that in an effective and orderly way.

5 But let's begin with the
6 questions. Anybody want to pose a question?
7 Yes, sir, come up here please.

8 MR. McGLASHAN: My name is Don
9 McGlashan, and I live at 4114 Woodbine Street.

10 I deal with noise on aircraft
11 bases. So my question turns right to the
12 issue of how much noise are any of these
13 alternative trains or light rail trains going
14 to have on the neighborhoods that they pass
15 through? I've seen no data. I asked the
16 state engineer about that. They couldn't give
17 me a clue as to what the noise level is going
18 to be. Pat has talked about the noise
19 barriers. Well, I don't think I'd like a wall
20 sitting in my backyard on something like that.
21 Yes, it might protect me a little bit. But I
22 would like to see some kind of analysis done

1 on what level of noise are we going to get on
2 -- for any of these light rail situations.

3 DR. FAVERO: Okay, let's ask Pat
4 if she knows the answer to that.

5 COUNCIL MEMBER BURDA: Well, I
6 know that in the DEIS they -- I don't know
7 quite how to say it -- I think there were
8 areas where the light rail made a lot more
9 noise than bus rapid transit, and that was
10 primarily in areas where screeching of tires
11 and turning tires would occur.

12 The state I believe feels that the
13 noise impacts are going to be less than what
14 you hear now on the trail. That's the way it
15 was --

16 MR. FLOOD: There is a noise
17 technical report I'd be happy to get you.

18 MR. McGLASHAN: Okay, good, thank
19 you.

20 DR. FAVERO: So this gentleman is
21 going to get you a report in answer to your
22 question.

1 MR. McGLASHAN: All right.

2 DR. FAVERO: Yes, sir.

3 MR. CYNKIN: Larry Cynkin, 7209
4 Maple Ave. My question is, between the two
5 extremes of either feeling, I don't want to
6 see another damn penny spent on this ever, to
7 I don't care how much it costs, I want to stop
8 it all costs, to me it seems like there is
9 this big gray area in between. And I continue
10 to struggle with forming an opinion on is it
11 worth spending more money or how much more
12 money. And to me the real question is, what
13 are the chances of success, and I feel like I
14 have no idea. I mean we've been doing, as far
15 as I can tell, pretty much everything in our
16 power thus far, and it just seems like all the
17 dominoes continue to fall towards getting
18 light rail. Is there a realistic chance that
19 they could be stopped from continuing to fall,
20 or are they going to continue to fall no
21 matter what we do?

22 I believe if there is any other

1 commentary you could give us on that I'd
2 appreciate it.

3 DR. FAVERO: Thank you.

4 COUNCIL MEMBER BURDA: Boy do I
5 wish I had an answer. (Laughter) I think that
6 is an excellent question, and I think that
7 none of us sitting here today would be a
8 lawyer, and even if you asked a lawyer, if you
9 had a lawyer, say there was a coalition, for
10 example in the middle, say it was a coalition
11 effort and there were a lot of groups joined
12 together. And you said to the lawyer -- and
13 I am a lawyer, but I'm not this kind of lawyer
14 -- and you said to the lawyer what do you
15 think is going to happen. They would say to
16 you, you will put together your best case,
17 you've got some good arguments, and it really
18 depends on the judge you are assigned and what
19 he or she ate that morning. I mean it's very
20 complicated, and a lot of factors.

21 But I agree with you that we have
22 to keep on trying to work to figure out what

1 is most likely to be successful, and that is
2 why we have taken all these steps. And I do
3 think that we have made a lot of good
4 contributions to the discussion in terms of
5 looking at BRT as an alternative, which is
6 something that is now being taken up.

7 In terms of bringing to everyone's
8 attention the BRAC problems, now we're seeing
9 that mirrored in the state's efforts to widen
10 the roads.

11 So I think that the dialogue, we
12 have changed. When will that start to make a
13 difference? We don't know the answer, but we
14 have to keep on thinking about what you are
15 saying, what is worthwhile.

16 MR. CYNKIN: If I may, it is a
17 matter of parties that have not yet weighed in
18 that have the greatest voice in this? Or do
19 the parties that have already weighed in still
20 kind of rule the day going forward?

21 COUNCIL MEMBER LUBLIN: In
22 particular the FTA has to weigh in at this

1 part of the process. And that's where you the
2 town is hoping its comments can have an
3 effect. But frankly you posed a very good
4 question, and I think the question that all
5 the members of the council are in part trying
6 to answer themselves. So if we knew we had
7 the answer, I'm not sure we'd need all this
8 meeting.

9 DR. FAVERO: Thank you.

10 Yes, ma'am.

11 MS. BLACKLOW: Susan Blacklow, 6912
12 Oak Ridge Avenue.

13 I'm wondering, because I only
14 thought of this in the past 24 hours, if there
15 is another option, that might be considered,
16 which is that those who have worked so hard
17 for this, who believe that the trail should be
18 saved or that the -- whatever on that side, as
19 opposed to those who say, you've really made
20 your best effort; let's stop. I'm wondering
21 if instead of it being from the town funds,
22 that there's been consideration from those

1 residents, and maybe the trail, all those
2 people that signed on save the trail, if you
3 could then put in, I don't know, \$500, whether
4 that coalition, it would be a different group
5 with some of the same efforts that have
6 occurred, that might help some of those who
7 think we've spent enough money, think the town
8 has spent enough, and are worried about the
9 reserves going up. Because I think there was
10 some mention that you think it might be \$500-
11 to \$750,000? And we all know that guesses on
12 all kinds of expenditures are usually low
13 stated. For a lot of reasons they go up to
14 the millions.

15 DR. FAVERO: Thank you. Good
16 question. Responses?

17 COUNCIL MEMBER LUBLIN: I guess I
18 would say, you know, when the federal
19 government spends a lot of money on things,
20 sometimes I sure wish I could say, please
21 don't spend my portion on that. But it's just
22 not how government works at any level.

1 I mean that is an option. We
2 could choose to do ultimately, that is a
3 possibility. But ultimately the council has
4 the right to decide to spend the money if we
5 so choose, but yes that's an option.

6 COUNCIL MEMBER BURDA: And the
7 other thing is that there is nothing to say
8 that we can't do fundraising you know in the
9 larger community about this. We could look
10 outside as well.

11 MS. BLACKLOW: But that option
12 has not been considered. I didn't hear it.

13 MAYOR STROM: It's discussed as
14 part of the options that Pat laid out, to get
15 funds from other sources.

16 COUNCIL MEMBER BURDA: A
17 coalition, if we were to do a coalition.

18 MS. BLACKLOW: I've heard some,
19 but the rest would come from --

20 COUNCIL MEMBER BURDA: No, what
21 I'm saying is this is how much it would cost.
22 I don't know how it would be paid for. But

1 this is the estimate that we've gotten on how
2 much it would cost in order to do the suit.
3 That's not to say that the town would allocate
4 \$500,000 or \$750- or whatever.

5 DR. FAVERO: Okay, thank you.
6 Okay, four more questions. Yes, ma'am.

7 MS. WRIGHT: Holly Wright, 7101
8 Ridgewood.

9 Do you have any information
10 whether the proposed light rail will be one
11 track wide or two track wide?

12 COUNCIL MEMBER BURDA: It's two.

13 MS. WRIGHT: And what would be the
14 width of that?

15 COUNCIL MEMBER BURDA: I don't
16 remember the exact number.

17 (Off-mike comment)

18 MS. WRIGHT: And is that including
19 the space in between? I'm sorry.

20 DR. FAVERO: Can you repeat that?

21 MR. FLOOD: Sixty-six feet is the
22 entire identified right of way, which includes

1 the track, the buffer, the rail, and basically
2 a small buffer on either side. The 66 feet
3 includes all that right of way. The transway
4 itself I think is about I would guess 30, 32
5 feet.

6 MS. WRIGHT: About half of that?

7 MAYOR STROM: And Holly, the
8 other thing, your question was a good one,
9 because actually what you are probably
10 recalling is that in the master plan which
11 people invoke from a number of years ago it
12 called for a single track when the master plan
13 was adopted 20 years ago.

14 And at the time -- recently the
15 county council voted on these alternatives
16 they did ask the state research and look into
17 a single track in the area where we have the
18 66-foot right of way here adjacent to the town
19 which is much narrower than the 100-foot right
20 of way that exists in the other portions of
21 the proposed Purple Line. My understanding is
22 that the date in response to the Montgomery

1 County council request, did a further study
2 and analysis and concluded that it wouldn't be
3 cost effective, that it would not have enough
4 riders, it would not be quick enough; that
5 even though the original intent which everyone
6 keeps going back to was that single track that
7 they did not find it would be an efficient
8 effective alternative. So it was just
9 recently studied, and it was rejected by the
10 state, in a report that was provided to the
11 council.

12 MS. WRIGHT: So the whole thing is
13 two track, 66.

14 COUNCIL MEMBER BURDA: Well, 66
15 foot is the right of way and they are
16 squeezing it in here, and it may be that it
17 goes down to 32 feet right at the tunnel, and
18 that is a very difficult area where we are
19 talking about how do you improve the trail.

20 And so I've got it on the public
21 record for the taping, so what Mike was saying
22 was that he believes the track themselves

1 would be about 30 to 32 feet, and the question
2 was whether or not the trail would be 10 feet,
3 12 feet, with buffers, and then some kind of
4 protective plantings in between. But the
5 little bit they can get, the track and the
6 trail, the train in that 66 foot right of way.

7 MS. WRIGHT: And as of now there is
8 66 feet?

9 COUNCIL MEMBER BURDA: The 66
10 feet, if you go up to Lynn Drive, the 66 feet
11 is from the back -- pretty much like a foot
12 away from the Riviera to the fence on the
13 other side -- there is a property fence on the
14 other side. That is about 66 feet. So that
15 whole area would be clear cut all up and down,
16 yes. Okay?

17 DR. FAVERO: Thank you. Yes,
18 ma'am. Name and address please.

19 MS. MCGUIRE: Judy McGuire, 4003
20 Rosemary Street.

21 You anticipate our only options
22 are getting a lawyer and bringing suit. And

1 it seems to me that is a losing proposition;
2 that the reason we lost is because of lousy
3 communications and not good politicking.
4 David, you should be thinking of the same
5 thing.

6 I think this is a political issue
7 that requires political action.

8 DR. FAVERO: What is your
9 question?

10 MS. MCGUIRE: My question is, do
11 you have any options? Will you develop any
12 other options aside from just getting more
13 lawyers to take suits? Because I think the
14 lawyers bringing suits is not going to win if
15 all the politicians have endorsed this.

16 DR. FAVERO: Are there any other
17 options?

18 COUNCIL MEMBER BURDA: Well, the
19 federal government hasn't weighed in yet. But
20 I'll meet with Judy and she'll give me some of
21 her suggestions.

22 DR. FAVERO: But there were other

1 options?

2 MAYOR STROM: Right. I think we
3 started with the technical options. We
4 actually wanted to develop sound
5 transportation analysis. And we used not
6 lawyers but we were using engineers and
7 transportation planners. And I actually think
8 --

9 MS. MCGUIRE: And see how far
10 that got.

11 MAYOR STROM: But actually there
12 was a good dialogue, there was a very good
13 dialogue. And in a lot of ways they
14 recognized many of the points that we raised,
15 and they came up with this better BOTL
16 alternative; they just didn't allow us to
17 public comment.

18 You're right, it's a very
19 political process, and there was a lot of
20 momentum behind the rail on a trail. But I
21 think that we put a couple of dents in that
22 armor, and we did communicate our points of

1 view. And I think there has been a lot of
2 education we've done. But you're right, we
3 are one town, and we deal with a lot of other
4 communities, and there is a history here. So
5 I think that you are right; communication is
6 very important. That's how we did the
7 education day on the trail, and that was a
8 good day. But there's been a lot that has
9 been favorable.

10 COUNCIL MEMBER LANG: Isn't there
11 a communication piece and a political piece
12 for the powers that be? I mean one option is
13 to file a suit. Another possibility is to
14 attack the communication-political situation
15 differently by going after the powers that be.
16 There's one left now I guess. The next one is
17 the governor. Because the county council has
18 decided to move ahead to light rail. So if we
19 weren't going to sue -- well, we could sue and
20 do this, I suppose, but we could look at a
21 political communications effort toward the
22 governor in the short time we have left to see

1 if we can affect his decision process.

2 MAYOR STROM: Well, we have met
3 the governor.

4 COUNCIL MEMBER LANG: Well, I
5 know, but I'm saying a much bigger process
6 than that.

7 MAYOR STROM: And he's received
8 17,000 signatures to save the trail. But yes,
9 I mean sure, I guess you could continue to do
10 that. I'd be interested in what that would
11 be.

12 DR. FAVERO: Let's take another
13 question now. We have two more. And then we
14 can move into offering opinions. I want to
15 make sure we reserve some time for that.

16 MS. INGRAM: Deden Ingram, 4411
17 Elm Street. And my question was, you were
18 talking about possibility going forward with
19 a suit, and the costs of a full blown lawsuit.
20 But I assume that, from what you were saying,
21 that in a sense we have to file a suit as sort
22 of a placeholder in case we want to go forward

1 with a suit. But that when some of these
2 final documents are coming in, the final
3 environmental impact statement, and the final
4 federal judgments and all of these things,
5 that if those look more favorable we wouldn't
6 necessarily have to proceed with a full blown
7 suit. Is that correct?

8 COUNCIL MEMBER BURDA: We would
9 not be doing anything -- no additional
10 comments would be made until the governor
11 issues his preferred alternative. So we would
12 be responding to the state's next steps. Does
13 that answer your question?

14 MS. INGRAM: Well, I guess I was
15 just asking how will there be time to put the
16 suit in, those 30 days -

17 COUNCIL MEMBER BURDA: That's
18 after the -- the suit itself would not be
19 filed until after the record of decision. So
20 that is right.

21 (Off-mike comment)

22 COUNCIL MEMBER BURDA: But it

1 would -- I believe it is in. The record of
2 decision is after the final environmental
3 impact statement.

4 DR. FAVERO: Okay, thank you.

5 MR. KAMINSKY: Irving Kaminsky,
6 6903 Oak Ridge Avenue. Sort of a follow up on
7 the question about the gray area. I expect
8 that there are going to be various places in
9 which you are going to have to decide, shall
10 we go on. Would it be possible before you
11 make that decision to come back to the town,
12 so we have some input into the decision that
13 is being made?

14 COUNCIL MEMBER BURDA: Well,
15 that's one of the reasons why we are having
16 the public hearing on July 22nd. Unfortunately
17 the train is moving along, and so we need to -
18 - there will be decisions that have to be made
19 rather quickly. And one of the reasons we are
20 trying to lay this all out to you tonight is
21 so that you have a good understanding of what
22 we hope the options, potential options are,

1 and what we decide as a community.

2 I think we will make this decision
3 based on what we hear at the public hearing on
4 July 22nd.

5 MAYOR STROM: I actually think
6 that would. You are right, you make a
7 decision and you are going to pursue it
8 because you have to keep on evaluating what
9 you are doing, how it's going, and there has
10 to be that dialogue and feedback. If it is
11 whatever the course is that the town chooses,
12 then if there is action, I agree with you we
13 have to report to you, look at what's
14 happening, evaluate it, and that's I think is
15 what you are saying, that there has to be an
16 ongoing dialogue.

17 For example if there isn't new
18 starts funding for the project, the whole
19 issue -- and I think that's what Dean was
20 getting at also -- the question could become
21 moot. Because even though they chose this
22 alternative, there wasn't funding, and it

1 didn't go forward.

2 There are so many uncertainties
3 here; we have to keep on looking at what we
4 are doing in light of all the developments,
5 federal, state and so on.

6 Okay.

7 DR. FAVERO: Yes, ma'am.

8 MS. JOHNSON: Betsy Johnson at
9 4413 Ridge Street. I guess we all know that
10 the trail exists because the county bought
11 that as a right of way for a rail line, right?

12 COUNCIL MEMBER BURDA: The county
13 bought the entire area from the D.C. line all
14 the way to Silver Spring for that \$10 million
15 that we heard about. And they chose to make
16 the portion from Bethesda down to D.C. a
17 trail. And this they decided to hold in
18 anticipation as a right of way for transit.
19 The entire right of way was already split;
20 some of it was for a trail, and some of it was
21 for -- on hold.

22 MS. JOHNSON: Okay. How much of

1 the right of way exists for the bus rapid
2 transit option that we are -- that the town is
3 promoting?

4 COUNCIL MEMBER BURDA: The state
5 holds a large right of way along Jones Bridge
6 Road currently, that goes beyond the sidewalk
7 of Jones Bridge Road. But the state has the
8 ability to widen that area. They own a large
9 right of way there.

10 MS. JOHNSON: Along Jones Bridge
11 Road, but there is a lot of other right of way
12 that is needed for bus rapid transit, right?

13 COUNCIL MEMBER BURDA: No.

14 MS. JOHNSON: I'm assuming that
15 is not going on a road.

16 COUNCIL MEMBER BURDA: No. No,
17 the -- well, there are a variety of options
18 that could be used on Jones Bridge Road, such
19 as -- and there are drawings actually on the
20 town's web site of potential configurations
21 for the bus rapid transit on Jones Bridge Road
22 that would not go beyond the state's current

1 right of way. And one of them -- the widest
2 that they are even contemplating I think
3 doesn't go beyond the sidewalk.

4 But the state owns right of way
5 beyond the sidewalk on Jones Bridge Road
6 currently.

7 MS. JOHNSON: But bus rapid
8 transit isn't only on Jones Bridge Road; it
9 goes --

10 COUNCIL MEMBER BURDA: Oh, it
11 would continue on the right of way, yes, where
12 it's 100 feet or wider going into Silver
13 Spring. The state does not own -- as far as
14 I know the state does not currently have full
15 access to the CSX railway going all the way
16 into Silver Spring. That has not all been
17 worked out with CSX, unless it has of late.
18 But there is part of the right of way into
19 Silver Spring is not currently owned by the
20 state.

21 VOICE: For rail or bus.

22 COUNCIL MEMBER BURDA: For rail

1 or bus.

2 MS. JOHNSON: So are you saying
3 that the right of way is the same as the light
4 rail right of way after Jones Bridge Road?

5 COUNCIL MEMBER BURDA: As far as
6 I know, yes, but the threes, you could have
7 large trees -- you could have canopy trees
8 planted because there are no catenary wires
9 with ERT.

10 DR. FAVERO: Thank you. One last
11 question?

12 MR. FRANKL: It's really a comment.

13 DR. FAVERO: Well, if it is a
14 comment, that's what we're going to do next.

15 (Off-mike comment)

16 COUNCIL MEMBER BURDA: Why don't
17 you come up?

18 DR. FAVERO: If you could state
19 your name, please?

20 DR. SOLOMON: Red Solomon, 4114
21 Leland Street. The lady next to me and I are
22 mixed up a little on where the BLT would.

1 Presumably along the trail, but it could save
2 the trail; is that the implication?

3 COUNCIL MEMBER BURDA: Okay,
4 there are --

5 MAYOR STROM: Good question.

6 COUNCIL MEMBER BURDA: Yes, good
7 question, it's very confusing. There are six
8 built alternatives that are being considered
9 by the state. Three of them are light rail
10 alternatives that would go along a particular
11 right of way everywhere and -- until --
12 everywhere including into Bethesda, from
13 Prince Georges County all the way into
14 Bethesda, all those light rail alternatives
15 take the same route, I believe.

16 MAYOR STROM: So if you are
17 focusing on adjacent to the town, three of the
18 alternatives are light rail on the trail, and
19 they differ in other portions of the routing.

20 (Off-mike comment)

21 COUNCIL MEMBER BURDA: Right,
22 like tunneling or bridges, right. But they

1 take the same alignment everywhere.

2 (Off-mike comment)

3 COUNCIL MEMBER LANG: Could you
4 come up and speak into the mike so we have it
5 on the record.

6 DR. SOLOMON: But the question is
7 about the BLT.

8 MAYOR STROM: So there are three
9 light rail alternatives. And then --

10 COUNCIL MEMBER BURDA: So then
11 there are also three bus rapid transit
12 alternatives. Two of them use the Capital
13 Crescent Trail into Bethesda. They would
14 continue along the Capital Crescent Trail, and
15 they would go up through city traffic to the
16 current bus station/Metro station.

17 One alternative bus rapid transit
18 alternative, which is the low cost bus rapid
19 transit alternative, take a very different
20 route to Silver Spring, to other parts of the
21 county; comes along the right of way until it
22 gets to Jones Bridge Road, then turns onto

1 Jones Bridge Road and follows Jones Bridge
2 Road to Naval Medical Center. It goes down
3 Woodmont Avenue into Bethesda, and then goes
4 back along that route.

5 So there is only one alternative
6 that does not use the Capital Crescent Trail.
7 And with bus rapid transit it does not have
8 the same impact in general, because you can
9 replant canopy trees, where you can't with
10 light rail.

11 DR. FAVERO: I'm going to ask,
12 Mike, if you have a brief comment, and then
13 we'll go to --

14 MR. FLOOD: I don't have any
15 comment, the clarification just being that
16 what Pat said is that there is the one
17 alternative. But everything east of Jones
18 Mill Road which is where -- if anyone has
19 ridden the trail you cross Jones Mill Road --
20 everything between there and Silver Spring is
21 the same. All the alternatives assume that
22 that there is either a BRT or LRT on that

1 alignment as well as the trail, connecting to
2 the CSX alignment where different alternatives
3 connect from there to the Silver Spring new
4 transit center.

5 DR. FAVERO: Thank you.

6 COUNCIL MEMBER BURDA: So one of
7 the things of interest about the low
8 investment BRT alternative is that the way it
9 travels through Silver Spring is very
10 different than all the other alternatives that
11 are being considered, and it's very slow. It
12 would go through city streets rather than a
13 dedicated right of way to Silver Spring.

14 MR. FLOOD: Just one more point
15 of clarification on that, the alternatives
16 that were developed by the state -- and it's
17 difficult, any transportation project -- the
18 point of what we do is to look at level of
19 investment and to identify a corridor that is
20 preferred, a locally preferred alternative.

21 What comes out as a locally
22 preferred alternative is going to be a

1 compilation probably of the various
2 alternatives. So it would be possible to say,
3 BRT, high investment, east of Jones Mill Road,
4 and then along Jones Bridge Road. So there
5 are pieces that you put together. So when Pat
6 talks about the slow circuitous route through
7 Silver Spring, it could be recommended that it
8 take a quicker more expensive route to make
9 the connection to Silver Spring. It's not
10 locked in that Jones Bridge Road is connected
11 to a slow trip through Silver Spring. Those
12 pieces are -- you know, if you can think of
13 each one of them sandwiched between two dots,
14 you could add up the sixteen mile long dots
15 for everyone to come up the hill.

16 COUNCIL MEMBER BURDA: And what
17 we've asked is that they take that slow
18 circuitous route out from Silver Spring, and
19 that they put different mitigation along Jones
20 Bridge Road to make it a faster routing, when
21 analyzing the Jones Bridge Road BRT
22 alternative.

1 DR. FAVERO: Thank you very much.

2 Okay, now we are going to move to
3 comments. And this is an opportunity to
4 provide your opinion.

5 I put a question up, and I think,
6 in the form of a query, what I'd suggest is
7 that we one by one in response to the
8 questions, in your opinion, what should the
9 town of Chevy Chase now do about the Purple
10 Line. You've heard the history. We've heard
11 some options. So this is a time for you to
12 offer your opinion.

13 Speak one by one, and once you
14 have spoken leave it at that please. Just one
15 time. And if someone offers an opinion that
16 reflects your thinking, leave it at that
17 please. So everybody gets a chance to talk.

18 I recognize that this is not a
19 scientific sample; it's just going to be an
20 opportunity for the people who came this
21 evening to offer their opinion.

22 If you can be brief that would be

1 great. I know those chairs are not that
2 comfortable after a couple of hours.

3 And again, I think we should ask
4 for names and addresses as we start.

5 Yes, sir.

6 MR. FRANKL: I'm Joe Frankl. My
7 address is 4317 Elm Street, right across the
8 street. This is in my backyard. Full
9 disclosure.

10 In my opinion the town should
11 prepare to go to court to sue on this, and
12 here is the reason why. I've been watching
13 this thing unfold for 20 years. In fact I
14 guess it's been in some people's minds for
15 even longer than that.

16 But over the last 20 years what I
17 have observed is that this project, this
18 Purple Line light rail from Bethesda to Silver
19 Spring and maybe beyond is impervious to
20 reason or logic. There are so many problems
21 with this project as it is envisioned, and as
22 the politicians have so far approved it it is

1 beyond belief.

2 I don't have time to go into
3 details. There's tons of information out
4 there for anybody who is interested in finding
5 out.

6 But that level upon level upon
7 level, as we had thought that the county and
8 the state and who knows maybe even the Feds
9 would see the light of reason about this
10 thing, about the engineering problems, the
11 environmental problems, the degradation of the
12 trail, BRAC, I mean the cost, you can go on
13 and on. Nobody in the political sphere has
14 been willing to step up and say, this thing is
15 a dog. That's why you go to court. You go to
16 federal court where you've got life tenure
17 judges who are supposed to be and usually are
18 impervious to these kinds of considerations,
19 and can apply the law and say, if the local
20 decision makers can't get it right, we the
21 court are going to make them go back and do it
22 again.

1 Is it a sure thing? No, it's not
2 a sure thing. But I can tell you, perhaps
3 people remember, there was a project in New
4 York some years ago called the Westway.
5 People wanted to do a big dig up the West Side
6 of Manhattan. Would have cost billions and
7 billions of dollars; had huge political
8 support. Well, they stopped it, they went to
9 court and they stopped it, and there is no
10 Westway in New York.

11 Thank you.

12 MS. VOLMER: I'm Deborah Volmer. I
13 live at 7202 44th Street. It's not in my
14 backyard, but I do love the trail. I walk the
15 trail. It's a linear park . Some of you folks
16 who have been around for a long time may
17 remember my father, Irwin Volmer, who
18 basically was one of the citizen activists in
19 our area that opposed development on the edges
20 of our town. And he was one of the people who
21 because of this activity that was generated,
22 our part of the community to join as part of

1 the town. And I know one of the issues he
2 cared deeply about what also the trail.

3 Now when I grew up there was a
4 train on the trail, but it was a single track,
5 and it was a freight train that came very
6 infrequently, and we also had a lot more green
7 space in our part of Montgomery County than we
8 do now.

9 Single track very infrequent, it's
10 a totally different thing that we are looking
11 at right now. And in the meantime the trail
12 has developed as a park, as a linear park.
13 People can walk, people can ride their
14 bicycles, and there is no room to put a train
15 there without tearing down all the trees.

16 And that would be a real tragedy.
17 I think we need a mixed strategy which
18 includes both continued political pressure and
19 very possibly a lawsuit. And I support the
20 town in the work that has been done so far.
21 And sometimes you just do need to go to court.

22 In terms of a long range approach

1 to what do we want in terms of a Purple Line,
2 I favor public transit. But I don't think
3 there has been any thought to deeply tunneling
4 under ground and making it a part of -- making
5 a seamless web or a seamless line of the two
6 ends of the Red Line, but have it deeply
7 tunneled, not cut and cover but deeply
8 tunneled. I know that's an expensive option.
9 Maybe in the very long range we should be
10 looking at that.

11 In the short range, whether it's
12 dedicated bus lines, or just plain improved
13 bus service with buses as clean and as energy
14 efficient as you can make them, and make them
15 run on a schedule that people can rely on and
16 use all existing roads to some extent, use
17 West Highway as well as Jones Bridge Road, in
18 the short run.

19 Maybe the more dedicated bus rapid
20 transit also makes sense, and that wasn't
21 sufficiently studied.

22 And we don't know what's going to

1 happen with BRAC in terms of actual need. We
2 can anticipate there will be a great
3 transportation need to that location; more
4 probably than to downtown Bethesda where, yes,
5 there are a lot of restaurants and a lot of
6 amenities that will attract people.

7 The nice thing about buses,
8 whether it's bus rapid transit, or just simply
9 enhanced bus service is, those routes are very
10 adjustable; they are flexible. They can be
11 adjusted according to need. BRAC is a new
12 thing, and I think we need some time to know
13 just what the needs are going to be.

14 So in the meantime why don't we
15 push for better bus service, whether it's bus
16 rapid transit or just enhanced service. In
17 the long run if the rider ship can justify it
18 at the time, sometime in the future, if the
19 rider ship can justify it, consider going
20 underground, deep tunneling, a seamless link
21 of the two ends of the Red Line, but only if
22 the rider ship at that point can justify it.

1 And I think those are the ends
2 that we should be working toward.

3 Thank you.

4 MR. MURTAUGH: My name is John
5 Murtaugh. I live at 7002 Maple Avenue.

6 I have some problems with the
7 legal aspect. Personally I think you are
8 spitting in the wind to put it bluntly. The
9 best we can hope for that is a delay. Because
10 every objection you've raised they are going
11 to ponder it. In other words we had a thing,
12 we did a study showing there is not going to
13 be enough enrollment on the line, so they
14 added 10 stations. So if you're hoping
15 they're going to die, the people that support
16 it, delay works.

17 But, you were lured into
18 something, and I don't think we have really
19 given it enough emphasis. And that was, are
20 there other groups out there that are
21 supporting us? I think this is a political
22 issue, or it will be solved by a political

1 issue, and not a legal.

2 The impact of what is going to
3 take place at Chevy Chase Lake, remember for
4 us to go way back we used to have the biggest
5 community pool in Chevy Chase until Chevy
6 Chase Lake one night filled it in with
7 bulldozers because they wanted to build there.

8 We tried to get the county to buy
9 the pool; they didn't do it.

10 So there is another example of
11 Montrose Parkway. I mention this quickly only
12 that they -- people fought it, they ended up
13 tearing down a whole street of houses, another
14 group of houses had the road slapped up
15 against them. Road barriers went up, 20-foot
16 retaining walls, and a big swath through a
17 parkland. The trees, county cares about
18 trees, and they are the biggest cutter down of
19 trees around.

20 So all the arguments about impact
21 of the different items is going to fall on
22 deaf ears. It's only going to be if we get

1 alliances with other people. The people who
2 come down Connecticut Avenue do not realize
3 what the impact is going to be on them, and
4 how do we communicate that, how do we get
5 those people involved, the people on the other
6 side of Silver Spring are being offered all
7 sorts of goodies to go along with this. I
8 have contacts with probably the strongest
9 political group over there, the Friends of
10 Sligo Creek Park, and they say, they have no
11 interest in it.

12 So we've got to develop alliances,
13 and that is the only way we will ultimately
14 succeed.

15 Thank you.

16 MR. SINCLAIR: Rolf Sinclair, 7508
17 Tarrytown Road, Chevy Chase. The previous
18 speaker has said most of what I was going to
19 say. He's left, unfortunately, so I can't
20 congratulate him.

21 I've watched with increasing
22 dismay over the years as what should have been

1 a transportation study and a transportation
2 issue became a political action game, and
3 public relations.

4 The Purple Line in its present
5 form has never been part of any proper
6 regional transportation study. What we have
7 seen is political clout being used rather
8 overtly, and the whole idea is to make it look
9 as if there is no protest to the Purple Line.
10 They want bland uniformity, happy smiles, and
11 I think one reason for trying to turn the town
12 off now is to remove what stands out like a
13 sore thumb, namely, questions and opposition
14 to it.

15 So I do urge the town to keep up
16 an appropriate level of activity, of public
17 relations, of seeking coalitions as the
18 gentleman before me just said very strongly,
19 and of that legal action that we think
20 appropriate at the time. But to keep it
21 alive, and to build coalitions and get their
22 help, because if not it will look as if there

1 is no argument against this and it will simply
2 march through.

3 Thank you.

4 DR. FAVERO: Thank you.

5 DR. SOLOMON: Fred Solomon, 4114
6 Leland Street.

7 I was glad that you brought up the
8 Westway example, Joe Frankl, because we've had
9 a number of other examples of things that look
10 like lost causes. And my great hero of my
11 college days, Robert Hutchens, of the
12 University of Chicago, said in his advancing
13 years, I've come to realize that the only
14 causes worth fighting for are those that are
15 deemed lost causes.

16 So fight on with allowances --
17 with the lawsuit, I think the flaws -- in fact
18 the flaws are so outrageous that it looks like
19 some agency with a CIA in it cooked the
20 intelligence. And since I come from Chicago
21 I have to suspect that there was payola, but
22 okay, so we can find out where politicians get

1 their funds and so forth. But who --
2 supposedly our state employees had produced an
3 absurd impact statement. And I think if there
4 were investigating -- and certainly court
5 review.

6 Now I'd like to close with the
7 following story. We meet for maybe the first
8 public meeting at the Jane E. Lawton Community
9 Center. This is a story about Jane Lawton.

10 It was election day for the 2006
11 primary. If you remember the weather was
12 awful. I was watching the Democratic table in
13 Chevy Chase elementary school yard. Jane
14 Lawton came by. She was standing for election
15 to the state legislature, and had -- she's a
16 shoo-in of course. I engaged her in a
17 conversation about the Purple Line. I could
18 share with you that she was strongly opposed
19 to the light rail and to the selection of the
20 trail. What surprised me was how strongly she
21 expressed astonishment that the western
22 terminus for the rapid transit was being

1 planned for downtown Bethesda. It was
2 obvious, she said, that the tremendous
3 increase in employees and visitors and
4 patients at the new hospital at the Naval
5 Medical Center call for any new station to be
6 located there.

7 Jane Lawton said she was
8 determined to form alliances in the state
9 legislature, and to use whatever leverage she
10 had as a legislator to oppose the truly stupid
11 plan.

12 Very immoderate words from a very
13 moderate lady.

14 DR. FAVERO: Thank you.

15 MS. BROWNING: My name is Pam
16 Browning. I live at 4317 Elm Street. I'm an
17 organizer of a petition drive to save the
18 trail. Many of you know me and know that.
19 I'm also one of the authors of the letter that
20 was passed out outside, asking for your
21 support to support the town in any legal
22 efforts that it might take. And if you are

1 interested in signing that letter, in 24 hours
2 we got over 120 signatures, if you are
3 interested in signing please contact me and
4 I'll put you on.

5 A lot of things that have been
6 said on the listserv and on the post card that
7 was sent out, that some accusations that this
8 is a NIMBY cause, as somebody who has been
9 working on this petition drive for many many
10 years, I can tell you that this is not a NIMBY
11 cause; that there are over 10,000 uses of the
12 trail a week; it's been documented. And I did
13 a little sample of the petition signatures and
14 found that about 60 percent of them were from
15 outside the Bethesda-Chevy Chase area. And
16 when I say Bethesda-Chevy Chase, we are
17 talking broad Bethesda-Chevy Chase, not the
18 town of Chevy Chase.

19 People sign from Virginia and D.C.
20 Twenty percent of the time they're from D.C.
21 About 10 percent from Virginia. The trail
22 extraordinarily popular with people from those

1 areas. They use it as a circuit. They come
2 from Mt. Vernon. They come up the park, and
3 then they go around back down to Georgetown.
4 They are extremely upset at the thought of
5 that being degraded, and having the trees
6 removed, no shade. Having it closed for
7 several years is just enough of a thought that
8 it scares people.

9 There are also many many
10 communities that support us. Unfortunately
11 most of them do not have governments, so they
12 don't have tax systems. It's not easy for
13 them to raise money the way we can.

14 So when I tell you that there are
15 dozens of groups listed in my letter, I don't
16 want you to turn around and think, oh great,
17 we can just tap their shoulder and get money.
18 Because East Bethesda doesn't have a taxing
19 system. Chevy Chase West, Chevy Chase Hills,
20 they don't have that.

21 Another issue I want to bring up
22 is safety. I think this project, Purple Line

1 on the trail, is such a retrograde thing.
2 Everywhere in the country they are working to
3 make places safer and community more green,
4 and here they are going to put a rail right
5 between two communities that share a school,
6 school system, and Leland Community -- or Gay
7 Lawn Community Center. We have kids going
8 back and forth all the time.

9 There have been 55 pedestrian
10 deaths since 2003 in Maryland; an average of
11 nine a year. From trains -- I'm sorry,
12 pedestrian deaths along railroad tracks. I
13 mean think about it. And you are going to put
14 double track trains in this narrow right of
15 way where kids cut through now all the time.
16 You can ask people what their backyard --
17 David Saltzman's backyard is a regular walk
18 through for kids all the time. It's the Lynn
19 Drive Path. It's not a sanctioned path. Kids
20 will go the shortest route that they can find.

21 And I have an article that I can
22 show you that shows you, their experts will

1 tell you you cannot even fence off a real
2 road. Kids or even adults will find their way
3 through the fencing.

4 So here we're going to have trains
5 going back and forth. And they tell you it's
6 every six minutes. But I want to tell you
7 it's every three minutes, because it's two
8 different directions. You have headways of
9 six minutes going one way and you have trains
10 coming back the other way; that's an average
11 of three minutes . And you've got to be sure
12 they're looking both ways. And these are kids
13 -- our kids -- that are going to be cross
14 there, both in sanctioned and unsanctioned
15 places.

16 This is outrageous. I mean we
17 should just be protesting like crazy that they
18 would use us like this. It's just not fair.

19 My last point is that I've been at
20 this a long time. I can tell you that back in
21 2003 the Chevy Chase Land Company announced
22 that it was going to spend \$60,000 to kick off

1 Purple Line Now. So if you didn't know up
2 until now, the Purple Line was started by
3 Chevy Chase Land Company. I'm here to tell
4 you that I remember the day that they had
5 their press conference. And they are the
6 founding board members of that organization.
7 They have even planned, developed their own
8 design of a transit station there years ago.
9 They claimed that MTA asked them. Don't ask
10 me why MTA would be asking Chevy Chase Land
11 Company to design a transit station, but they
12 announced that they had designed it. Spent
13 \$20,000 on the design of a transit station.

14 Of course they will be allowed
15 much greater density and development of the
16 transit station is there. We all know that
17 that is the way the rules are in Montgomery
18 County; the density increases around transit
19 stations. That is why for 20 years they have
20 been behind the Purple Line at this location
21 on this track. That is why they ask
22 politicians to sign pledges that said, we will

1 not study any other route or any other
2 alternative. Because they are not interested
3 in the Purple Line in general; they are not
4 interested in transit in general; they are
5 interested in a light rail along the trail.

6 So if you have any questions feel
7 free to contact me, and if you would like to
8 sign the letter let me know.

9 Thank you.

10 DR. FAVERO: Thank you.

11 Yes, sir, name and address.

12 MR. COBLE: Name is John Coble,
13 I'm at 7105 44th Street, just up the street
14 here. And my primary concern is, and we've
15 heard a little bit about it, is that I don't
16 feel as a town resident the council has really
17 done a very effective job of laying out the
18 alternatives that are really being looked at
19 and the cost benefit analysis of those
20 alternatives.

21 And while we spend a large amount
22 of time, effort and money up to this point on

1 the engineering and talking about -- it's
2 almost as if it's a foregone conclusion -- the
3 legal aspects and filing a case very shortly,
4 my concern is that none of the elected
5 officials in the county, in the state, have
6 voted with respect to our proposition. And
7 that is, they've been unanimous votes, even
8 the councilman who supports rapid bus voted
9 for the Purple Line, light rail.

10 And my concern is that because we
11 have a substantial amount of financial needs
12 here in the town that maybe we aren't looking
13 at it very realistically or hard enough to
14 look for alternatives, to figure out how can
15 we build a coalition and make our voice heard
16 as opposed to just saying, we'll put up the
17 money, we will file a lawsuit, we will delay
18 the train; and at the end of the day the
19 governor is going to vote for it and they will
20 find a way to build it.

21 And if we do that we are not
22 really -- are we meeting our objective? And

1 if the objective is, let's figure out how can
2 we keep the trail in the best shape possible?
3 We know they are going to clear cut it, but we
4 need to look at, what is the probability of
5 success in the outcomes with the different
6 approaches that we are going to take.

7 And my concern is that if we just
8 run down the lawsuit aspect, it's merely a
9 delaying tactic, and we are not really going
10 to be accomplishing very much other than a
11 slight delay in the process.

12 So I would urge the council to
13 really try to figure out, what do we want to
14 accomplish, and what is the best route to do
15 that. And my concern is that the legal
16 aspect is not it, and engineering hasn't
17 worked up to this point.

18 So it's really going to come down
19 to, as we've heard before, political and
20 communications. And I don't think we've done
21 a very effective job up to this point.

22 DR. FAVERO: Thank you.

1 Yes, sir.

2 MR. FARREN: I'm back. I'm
3 Donald Farren, 4009 Bradley Lane.

4 I am absolutely in awe of the
5 amount of time and good thinking that has been
6 expended, devoted to this project, and I'm
7 very grateful to it, and especially grateful
8 to the politicians that we have heard
9 criticized, especially our local politicians
10 who have to make the decision which is not
11 going to be easy to make. And I'm very
12 grateful for that.

13 I'm also in awe of the amount of
14 money that has been spent on this project, and
15 I think it has been well spent up to now.
16 However, that said, I think at this point the
17 objections that are being raised are
18 essentially objections to process; that we
19 didn't consider this impact or that impact or
20 this, that and the other. I think
21 fundamentally they are irrelevant at this
22 point, because the project is going to have an

1 effect. There will be an effect somewhere,
2 whether it's on Jones Bridge Road or whether
3 it's along an old railroad line that happens
4 to run along the borders of our town.

5 I'm as devoted to the Crescent
6 Trail as anybody. However, I recognize that
7 it is a luxury, and I enjoy my luxuries as
8 well as anybody. There's north, east and
9 west; there are plenty of places for me to go
10 out and roam and walk and commune with nature.
11 Even south of here. I've enjoyed it up to
12 now; we all have. But frankly I view it as a
13 luxury.

14 I think that spending more money
15 disputing the decisions would essentially be
16 feckless. We don't know what the results are.
17 The chances of being able to block or
18 substantially alter the project are very low.
19 I think it would simply not be cost effective.

20 And it becomes an act of
21 obstructionism, and it would raise the overall
22 expense of the project. We are all citizens;

1 we all contribute to the overall cost of the
2 project. We need to bear that in mind.

3 What bothers me deeply about this
4 experience is that I haven't heard anybody
5 talk about the greater good that the project
6 would serve. There is a transportation crisis
7 in our region. We need some kind of east-west
8 acceptable means of moving people. And as
9 residents of the region we gladly accept the
10 benefits, but we also should be willing to
11 make the sacrifices that are implied by living
12 here.

13 I've come to this perspective
14 because I live on Bradley Lane. It's a
15 heavily trafficked road, and I knew 25 years
16 ago when I bought my property there that it
17 was a heavily trafficked road, and I also knew
18 that it could be widened. I could have an
19 east-west highway on Bradley Lane. That was
20 a risk; I knew that.

21 For the same reason we knew that
22 north of here, along the trail, there used to

1 be a train on that. Nobody promised that
2 there wouldn't be another train on that route.
3 We've enjoyed expanding our property up to the
4 route of the old train line, but nobody
5 promised that that would be forever.

6 So I think that it's worthwhile
7 taking a perspective of what are we
8 contributing to the greater good.

9 DR. FAVERO: Thank you.

10 Yes, sir.

11 MR. WINGLEE: I'm Peter Winglee,
12 7003 Hillcrest Place. I'm an avid cyclist and
13 a frequent user of the trail. But I'm also a
14 believer in public transport and mass transit,
15 and smart growth.

16 I do believe the town meeting
17 members have done a very good job of looking
18 at other options for bus rapid transit, to
19 light rail. But I think that there seems to
20 be a certain amount of momentum, statewide,
21 regionwide for the light rail. And I think it
22 would be wrong for the town to be seen as

1 obstructionist for the result of our efforts
2 to result in no increase in mass transit
3 instead of the alternatives. Because if the -
4 - if either project is delayed it is likely to
5 run into fiscal problems, and neither
6 alternative will be developed.

7 I also think that the town has
8 also got to think of its own fiscal situation.
9 I know that money needed to be spent before,
10 but the sums now looked at for future legal
11 costs are just astronomical. And I really
12 don't believe that the town should attempt to
13 take on the state government.

14 No, if it can -- I know that there
15 are some strong feelings about the different
16 alternatives within the town. And if so, if
17 members of the town want to pursue this at no
18 fiscal cost then they can do that, or they can
19 fundraise and get private funding for this.
20 Because I know it affects them strongly.

21 But I don't think that the town
22 should contribute any more funds to this

1 project.

2 Thank you.

3 DR. FAVERO: Thank you.

4 MS. JOHNSON: Betsy Johnson, 3413
5 Ridge Street. I also would encourage the town
6 to look at the bigger picture; that the Purple
7 Line is a regional project that is really
8 needed by the region, and we have gotten this
9 far with the planning, and we have the
10 Montgomery County Council, the Prince Georges
11 Council, the Washington Council government,
12 and we most likely will have Governor O'Malley
13 approving it, and if that is the case, then I
14 really think we need to step back.

15 You've made your best case. And
16 it's been a good case. But frankly it really
17 looks to other people like we are saying, yes,
18 we support the Purple Line, which everybody
19 here has said, but only if it's in their
20 backyard; not if it's in our backyard. And
21 that to me is very troubling, and it's pretty
22 embarrassing actually. So I would back off.

1 DR. FAVERO: Thank you.

2 MS. INGRAM: Deden Ingram, 4011 Elm
3 Street, and I would urge the town to go
4 forward with all efforts it can to pursue the
5 lawsuit, and to also continue to do the
6 political lobbying that we've done. I've
7 heard a lot of comments saying that not much
8 has been done politically. I think maybe
9 people aren't aware of all the efforts that
10 have been made, both on the grassroots level
11 and from the town's point of view, to have a
12 political influence.

13 I would urge us to continue to
14 pursue that. I don't agree with some of the
15 comments that I've heard tonight that there is
16 no point going forward with the lawsuit, that
17 we shouldn't take on the state. I think that
18 as Joe Frankl so eloquently spoke at the very
19 beginning, when something is as flawed as this
20 plan is, it's up to citizen groups to take on
21 the state and to try to correct something that
22 seems to be so politically skewed and

1 politically driven as this plan has been.

2 I've also heard comments that we
3 seem to be pursuing a policy of not in my
4 backyard, and there has been no consideration
5 of the greater community good.

6 And yet the alternative that has
7 been proposed of placing the rapid bus transit
8 or whatever it's called on the Jones Bridge
9 Road is actually in my opinion from what I've
10 read a better alternative transit wise, and
11 better serves the community and the needs it's
12 going to have in the future. And some of that
13 is going to become clearer with time.

14 I feel that the town should really
15 go forward and try to do the best it can with
16 the lawsuit to prevent this real travesty that
17 has been going on.

18 And if we lose, and every comment
19 that I've heard concludes that there is no
20 chance that we are going to win -- and I don't
21 think that is clear at all, I think we have a
22 good chance of winning when we get to someone

1 who is a little more impartial perhaps than
2 people who have looked at it so far.

3 But the other thing I would like
4 to see the town do if we should lose is, I'd
5 like to see them out there fighting actively
6 for those of us who have properties along the
7 trail whose properties will be directly
8 affected by building this trail, or the train,
9 to make sure that all the safeguards are put
10 into place, and all the noise protections,
11 other things that are done in terms of when
12 they put in the retaining walls, et cetera, to
13 have as minimal impact on people's properties
14 and quality of life as possible.

15 And if the town is not out there
16 lobbying for us, it's very hard for us as
17 individuals to do that effectively.

18 DR. FAVERO: Thank you.

19 MS. MILLER: Rose Miller, 7000
20 Valley Place. I'm not here with a position on
21 Red versus Purple Line, and I don't object to
22 the past process. It's been excellent.

1 But I do feel that town government
2 as a government shouldn't directly fund
3 litigation supporting a preference when there
4 is a genuine diversity of resident opinion in
5 the town. To do so does make the town of
6 Chevy Chase a not-in-my-backyard foil for
7 other governmental groups. And if Obama can
8 strive to avoid being a foil in Iran, we can
9 maybe strive for it as a town vis-a-vis state
10 government.

11 If you do want to pursue things, I
12 support the idea of co-funding a PAC with
13 other interest groups and governments. This
14 fits the town's policy, it would directly
15 benefit many residents, and it would frankly
16 be cheaper to donate sufficiently to engage
17 two full time staff members and a yearly
18 income than to pursue litigation.

19 We have to be frank. We don't
20 have in our town office or in our committees
21 professional community organizers. We have
22 not had professionals engaged in coalition

1 building. And to the extent that we could get
2 a PAC started and fund a couple of staff
3 positions for 18 months to pursue coalition
4 building and further advocacy it would be far
5 more cost efficient than funding litigation.

6 DR. FAVERO: Thank you.

7 MS. ROOD: Hi, I'm Joan Rood, 4509
8 Elm Street. A lot of people here tonight seem
9 to think that a lawsuit ultimately will do no
10 good. But it seems to me, based on the
11 quality of our arguments and the flaws in the
12 study, a lawsuit could significantly delay
13 this process. And what can be accomplished in
14 the delay period is, the state and the county
15 can actually come up with a comprehensive plan
16 that serves the entire region, rather than
17 simply connecting Bethesda, Silver Spring and
18 New Carrollton communities, and leaving out
19 the people in upstate counties.

20 You may -- and then a lot of
21 people also talk about, well, why should we be
22 viewed as obstructionist. I guess everyone in

1 this process is looking out after their own
2 interests. The developers are looking out
3 after their own interests. The merchants in
4 Bethesda and Chevy Chase are looking out after
5 their own interests. The people who live
6 between Bethesda and Silver Spring who don't
7 want to take the bus to work are looking out
8 after their own interests.

9 So there is nothing wrong with the
10 town looking after its own interests, and
11 filing a lawsuit, taking any political action,
12 if we deem that the light rail is not in our
13 own self interest.

14 So I just wanted to address those
15 two points. I think a lawsuit could be very
16 effective in the long term, because delay is
17 a very effective tool, and there is absolutely
18 nothing wrong to look out after our own self
19 interests. We would not be obstructionists.

20 DR. FAVERO: Thank you.

21 MS. CHARROW: I'm Veda Charrow. I
22 live at 4001 Underwood Street.

1 I want to bring a little bit of
2 perspective to this that nobody else has.
3 I've been on the last over two years on the
4 citizens advisory committee for the Purple
5 Line, and we meet on a monthly basis, and we
6 actually -- a great many people -- there are
7 many different points of view on this board
8 including developers and merchants, but also
9 mostly residents of Silver Spring and
10 Bethesda, Chevy Chase and points in between.
11 And the opinions seem to break exactly on
12 those lines, on the lines of the business
13 people and the people who actually live in the
14 communities.

15 And what we found out after awhile
16 was that it seemed as though although we were
17 supposed to -- we were there ostensibly to
18 render an opinion on the preferred
19 alternative, that the minds were already made
20 up. And of course somebody else raised this
21 question, and that is, who's getting paid off.

22 For the first time here I've heard

1 the idea of pursuing a political option, and
2 I think that is a very good idea. But always
3 holding on to the opportunity, possibility,
4 the necessity of filing a lawsuit. It won't
5 just slow things down.

6 The -- initially when we were told
7 about the Purple Line running through the
8 Georgetown branch of the Capital Crescent
9 Trail here in the town of Chevy Chase we were
10 told, oh, it's not going to have much impact
11 on the trees. And besides there will be
12 plenty of plantings on there. And then we
13 found out that no, they have to clear cut the
14 whole darn thing, and the only kind of
15 plantings we could have would be shrubs. But
16 it took a long time for that to come up
17 because the state was not being totally candid
18 with us.

19 When we raised the question of how these
20 numbers for rider ship were derived, they
21 said, well, we have this model and it's been
22 used elsewhere. Then after awhile it turned

1 out that they weren't quite sure how those
2 numbers had been derived, and they weren't
3 quite sure whether they were anywhere near
4 accurate.

5 And so when people brought up
6 objections, they went back -- you know, the
7 numbers kept changing again and again and
8 again and again. The fact is, I think, that
9 the -- the state hasn't made its case for the
10 Purple Line, and we need to come in and tell
11 the world that. And we shouldn't be ashamed;
12 we shouldn't be embarrassed. Are you
13 embarrassed going to a principal of a school
14 when your child has been beaten up? I don't
15 think so. This is our town. We are the
16 advocates for this town. We take ownership --
17 we should take ownership of this town, and we
18 should do everything in our power to make it
19 a better place to live, and not just to
20 compromise.

21 DR. FAVERO: Thank you.

22 MR. BARDIN: Hi, I'm Jacob Bardin,

1 6905 Oak Ridge. I've had the pleasure of
2 addressing you guys previously, so I think you
3 all know that I feel the town should not spend
4 any more money on this. I won't be redundant
5 and repeat that.

6 I just want to make a couple of
7 quick points. One is, repeatedly one of the
8 themes of this evening has been that we should
9 assemble a coalition somehow. I would submit
10 that although I disagree with Pat on this
11 issue overall, he's a very capable leader, and
12 if there isn't a coalition it's probably not
13 because he didn't try; it's probably because
14 it's difficult or it's nonexistent. Most of
15 the people east of Connecticut Avenue want
16 light rail transportation and they want to
17 Bethesda; they don't want it to BRAC. So do
18 we think they don't really know what they
19 want? Or do we think we are somehow smarter
20 than them? I personally don't think so.

21 The other point I'd make, related,
22 is that many environmental or pseudo-

1 environmental organizations are also
2 supporting the light rail. I personally spoke
3 with the chairman of the board of the
4 Coalition for the Capital Crescent Trail which
5 is probably the single organization
6 responsible for the trail existing in its
7 current shape and form. He's responsible for
8 helping to open the tunnel under Wisconsin,
9 get the trestle opened over Rock Creek. He's
10 strongly in favor of the light rail option
11 including the trail. The point he made to me
12 is that there is a 66-foot right of way right
13 through the town, but in many other places
14 it's much wider, including going through the
15 country club where it's 100 feet. So it's a
16 little bit of a misnomer to say that this will
17 totally irreparably damage the trail, although
18 it will certainly change it. But he's very
19 strongly in favor of it because it will cause
20 the trail to be completed, plus he recognizes
21 the benefits to the region of better mass
22 transit.

1 Thank you.

2 COUNCIL MEMBER BURDA: Was that
3 Peter Gray?

4 MR. BARDIN: Yes, Peter Gray.

5 DR. FAVERO: Thank you.

6 MS. DANIEL: My name is Marian
7 Daniel. I've lived in the town for 29 years.
8 Hard to believe. And the trail is I think the
9 best thing this town has to offer. And I
10 would recommend that the town of Chevy Chase
11 do everything within its powers to keep the
12 trail as it is, and if that is a lawsuit,
13 fine.

14 I think the lady in black who
15 spoke, spoke very well when she said that
16 delay is a legitimate goal; that you have the
17 opportunity to make more political progress on
18 it in your fight; you can educate people; and
19 it's absolutely a worthy goal.

20 To the extent that it's not
21 possible to stop it, certainly the town should
22 again continue to devote all of its efforts to

1 ameliorate the impact on the town, to
2 ameliorate the impact on the path. I find it
3 really hard to believe that I'm going to be
4 able to walk on the path with my dog and it's
5 going to be the same. That's my personal
6 opinion.

7 Anyway so I am just all for the
8 town doing every thing that it can. And in
9 talking to other people in the town, and I've
10 spoken to a lot of people over the years, I
11 know I just received this post card from nine
12 people or so who were opposed to the town
13 doing something, my own experience has been
14 that the people who live in this town want us
15 to stop the Purple Line if possible, and if
16 not to at least control it, and that they want
17 the town government to take that position.
18 And I think that the election results actually
19 showed that too, the most recent elections.

20 DR. FAVERO: Thank you.

21 MR. ROY: Hello, my name is Jim
22 Roy. I own the property at 4511 Elm Street,

1 so that friggin subway is my first time. We
2 voted in the last elections, partially based
3 on the candidate's position on preserving the
4 trail. That's one of the things that I like
5 about our board is their commitment to the
6 trail.

7 Online I've seen some computer
8 generated images as far as what the trail will
9 look like. There's no way this is possible
10 for many paths along the trail, particularly
11 near our town. To me this is a bold faced lie
12 and an empty promise.

13 The train and clear cutting 17
14 acres of trees will harm our homes' values,
15 townwide. People who think they are far
16 enough from the train do not know how comps
17 work and how agents and appraisers search a
18 subdivision and sometimes have to go through
19 a full zipcode.

20 I believe these homes would be
21 going down by far more than \$500 each.

22 What should the town do? Well, I

1 think they should earmark up to \$750,000 in
2 town funds for litigation and campaigning,
3 campaigning against the officials who are in
4 favor of putting this there.

5 I think we should coordinate with
6 neighboring communities. And I would love to
7 see the state try to defend their data under
8 oath, the threats that we may take them to
9 court may get them to rethink their plan
10 before we actually spend any money.

11 Thank you.

12 MR. MITCHELL: Hi, I'm Roger
13 Mitchell, 4501 Elm Street. I have a little
14 bit of a background. I was an executive for
15 the largest mass transit organization in
16 America for about 11 years, so I'm very much
17 a mass transit fan, and I've done a lot of
18 work in building bus mass transit systems.

19 And in looking at this particular
20 project I have done some modest analysis, and
21 simple calculations that many of you could do
22 yourselves, which is to look at the capital

1 cost and divide it by the number of new riders
2 that are being taken from other forms of
3 transit and being put onto light rail. In
4 other words people would be benefitting from
5 this. And they did this analysis, and the
6 numbers that I'm going to be quoting have been
7 corrected for roughly the year 2000, so they
8 are all the same numbers.

9 The Metro system was \$19,000 per
10 new rider. That's quite a lot. The Baltimore
11 bus rapid transit system was projected to be
12 \$39,000 per new passenger taken off the roads,
13 and it turned out to be somewhere on the order
14 of \$59,000.

15 This analysis, using the numbers
16 that they have produced themselves, the
17 capital cost per new rider is on the order of
18 \$139,000 per new rider. That's an enormously
19 inefficient approach to transit.

20 (Off-mike comment)

21 MR. MITCHELL: The light rail,
22 excuse me, the light rail. Pardon?

1 (Off-mike comment)

2 MR. MITCHELL: They are all
3 corrected to the same 2000 dollar years. So
4 we can talk about mass transit and things like
5 that. And I think that there is a good call
6 for additional mass transit in this county,
7 and especially even across country transit.
8 But this particular implementation, a light
9 rail that doesn't directly interface with the
10 heavy rail. The fact that it is very in town
11 as opposed to connecting the outer edges of
12 the Red Lines, are all analysis you get
13 through the analysis, it says that this is not
14 good transit. It's not efficient transit. To
15 some degree it's our best interest as citizens
16 to make sure that the government spends money
17 well. That's not to say they shouldn't spend
18 a billion dollars on mass transit; they just
19 shouldn't spend it inefficiently. And there
20 is too much of that going on.

21 And this is a bad project, and it
22 will embarrass us. Right now to go down to

1 East-West Highway and go look at the buses in
2 morning rush hour, the buses running on East-
3 West Highway, they are half empty. There
4 isn't the demand for that kind of travel. And
5 all this would do is cut their travel time by
6 six minutes.

7 So it's not good transit. It's
8 all about improving the property values of the
9 Chevy Chase land company. So I urge the
10 council -- and especially the key thing that
11 they've said is that they are not going to --
12 they haven't released their methodology for
13 rider ship. Now when you do a NEPA study
14 there is the cost and then there is the
15 demand. Well, the demand is half of the
16 thing, and to not tell you how they came up
17 with those numbers, that they pulled those
18 numbers out of the air -- well, we don't know
19 that they didn't pull those numbers out of the
20 air -- and to put -- subject those to a
21 rigorous process. Because there is a process
22 for rider ship calculation. And if they

1 haven't told us that, then they are holding
2 back something, and that is a good sign,
3 because you will win that argument. That one
4 is guaranteed to win. Proprietary stuff has
5 nothing to do with it. They cannot withhold
6 it for proprietary reasons. They will have to
7 redo it with nonproprietary software if that
8 is what they have to do, but they cannot
9 withhold that because it is a fundamental core
10 thing. So you will win that.

11 I urge you to go ahead with the
12 funding. And I'm confident that we will win.

13 COUNCIL MEMBER LANG: How did you
14 get your rider ship numbers? Because you had
15 to divide something into 1.6. I'm guessing
16 you had 10,000 people --

17 MR. MITCHELL: You go through the
18 rider ship on the various segments, and you
19 take the capital cost for that segment and
20 divide the number of new riders.

21 COUNCIL MEMBER LANG: Right, how
22 did you get the number of new riders.

1 MR. MITCHELL: There's the draft
2 EIS.

3 COUNCIL MEMBER LANG: So you took
4 the draft EIS?

5 MR. MITCHELL: Yes.

6 COUNCIL MEMBER LANG: Okay, just
7 checking.

8 DR. FAVERO: Thank you. It's
9 9:30. Let's take one more question, Pam, my
10 apologies, but you have already spoken once.
11 And can you wait around if you want to talk to
12 somebody else?

13 (Off-mike comment)

14 DR. FAVERO: It's 9:30.

15 MR. CYNKIN: Larry Cynkin, 7209
16 Maple Ave. Two quick comments. One, I still
17 don't really understand how this sausage
18 factory operates in terms of how the decision
19 gets made. But in addition to the big stick
20 of a lawsuit, or perhaps building coalitions
21 that may or not be buildable, I haven't heard
22 people explicitly talk about hiring lobbyists,

1 or somehow spending any money that we do spend
2 on lobbying efforts as opposed to legal
3 efforts. Perhaps that is part of your
4 thinking.

5 Among the comments that people
6 have made, I often wonder how many of those
7 commenters actually walk or bike the trail.
8 If I were kind it would be required that
9 anybody commenting on the trail would have to
10 walk or bike the length of the trail, back and
11 forth, at least past the trestle bridge over
12 Rock Creek, just to see what it is we are
13 talking about. I think some people, I'm
14 guessing, haven't done that, and don't really
15 appreciate just what it is that would be
16 sacrificed if in fact it is.

17 Thank you.

18 DR. FAVERO: Thank you.

19 Thank you all very much. You did
20 a nice job, and you were great listeners, and
21 your comments were brief and to the point.

22 Part of my responsibility is to

1 write a brief one or two page summary of this,
2 which is an impossible task, but I do my best,
3 and I would welcome any reactions to that. I
4 hope I can capture at least the most salient
5 points that were made.

6 So thank you all very much. It
7 was good to meet with you.

8 COUNCIL MEMBER BURDA: Can I just
9 make one other comment? Tonight was not the
10 public hearing: I know you've heard this a
11 million times, but we will have a public
12 hearing on July 22nd. So we encourage you to
13 send comments in and come if you can. Thank
14 you.

15 (Whereupon at 9:35 p.m. the
16 proceeding in the above-entitled
17 matter was adjourned)

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A				
abbreviations 35:3	actual 15:4 109:1	68:8,10 69:6	16:14,15 17:16,19	analysts 59:15
ability 47:16 95:8	add 9:10 31:17	114:19	17:19 20:8 26:7	analyze 27:18 28:3
able 8:13 9:3 45:14	43:22 102:14	agenda 2:2 7:20	26:17,18 27:20,21	analyzed 15:10
63:20 64:8 67:5	added 110:14	8:10,11 9:17,19	28:7,11 29:1	25:13
68:5 126:17 143:4	addendum 69:13	10:14	32:17 33:15,20	analyzing 14:6
above-entitled	adding 58:5	agendas 9:18,18	34:1 50:21 53:7	102:21
152:16	addition 13:11,15	agents 144:17	58:14 62:4,19	ANDI 1:21
absolutely 46:11	30:3 150:19	ago 5:14 29:13	63:19 64:12 65:8	Annapolis 5:11,13
50:14 55:16 69:11	additional 17:13	84:11,13 106:4	65:14,20 66:4	5:22 6:10 7:3,5,6
125:4 136:17	19:4 21:5 22:12	121:8 127:16	67:20 69:1,13	announce 12:6
142:19	27:5 36:8 66:1	agree 7:15 54:16	75:13 79:5 85:8	32:15
absurd 115:3	91:9 147:6	78:21 93:12	88:16 91:11 93:22	announced 45:16
accept 127:9	address 37:18,20	131:14	99:17,18,19 100:5	67:13 120:21
acceptable 127:8	39:17 47:19 54:3	agreement 5:14	100:17 101:8,20	121:12
accepted 7:9	67:18 86:18 104:7	6:18 7:16 9:11	101:22 102:22	announces 33:14
access 73:13 96:15	122:11 136:14	agricultural 5:21	122:2 129:6 132:6	33:22 45:10 65:20
accessibility 73:19	addresses 104:4	ahead 9:12 12:10	132:10 137:19	65:21
accommodations	addressing 58:20	89:18 149:11	alternatives 13:17	announcing 49:17
41:3	140:2	air 148:18,20	25:6,9 26:6 27:1	50:3
accomplish 8:13	adieu 9:15	aircraft 75:10	63:6 64:5 73:16	answer 44:21 45:14
124:14	adjacent 27:11,21	air-conditioning	73:17 84:15 98:8	45:19 48:15 76:4
accomplished	27:22 29:7 84:18	3:11	98:10,14,18 99:9	76:21 78:5 79:13
135:13	98:17	AL 1:17	99:12 100:21	80:6,7 91:13
accomplishing	Adjourn 2:22	alarm 32:4,5	101:2,10,15 102:2	answered 30:1 52:3
124:10	adjourned 152:17	aligned 53:21	122:18,20 123:14	answers 21:16
account 42:20	adjustable 109:10	alignment 16:4	129:3,16	anti 39:9
67:22	adjusted 109:11	33:17 61:20 62:7	alternative's 16:17	anticipate 51:1
accurate 26:2	administration	63:3 99:1 101:1,2	ambitious 7:20	66:8 86:21 109:2
46:17 47:5 139:4	33:21 34:4 57:22	alive 113:21	ambiorate 143:1,2	anticipation 94:18
accusations 117:7	58:11	alleviate 16:18	amenities 109:6	anybody 12:9
acknowledge 28:4	administrative	alliances 112:1,12	America 145:16	36:17 75:6 105:4
acres 144:14	67:7,11	116:8	amicus 72:3,6	126:6,8 127:4
acronyms 35:2	adopt 50:20,21	allocate 14:4 66:13	amortized 46:20	151:9
act 17:4 21:11,12	adopted 84:13	83:3	amount 11:5 21:6	Anyway 143:7
25:21 51:16	adults 120:2	allocated 19:18	35:20 36:2 49:12	apologies 150:10
126:20	advancing 114:12	21:5 50:15 61:18	51:11,13 67:3	apologize 3:9,10,16
action 4:10 26:8	advantage 64:13	allocation 19:20	122:21 123:11	4:3 12:16 16:22
41:12 67:16 87:7	advice 13:14	73:12	125:5,13 128:20	apparently 47:2,12
93:12 113:2,19	advisory 137:4	allow 58:8 88:16	ample 37:10	Applause 36:14
136:11	advocacy 135:4	allowances 114:16	analysis 14:6 15:9	74:11
actions 2:4 10:5	advocate 65:9	allowed 121:14	17:22 24:12 26:3	appliances 31:20
68:8,10	advocates 139:16	alluded 24:15 58:1	26:14,22 30:8	apply 105:19
actively 133:5	affect 90:1	alluding 41:15	42:17,19 43:12	apportioned 56:19
activists 106:18	afford 60:22	alter 67:19 126:18	71:15 75:22 85:2	56:20
activity 106:21	afternoon 3:16	alternative 13:5	88:5 122:19	appraisers 144:17
113:16	Agencies 26:4	14:6,19,20,21	145:20 146:5,15	appreciate 11:20
	agency 17:5 26:3	15:1,22 16:5,6,13	147:12,13	38:20 78:2 151:15

approach 107:22 146:19	assistance 66:10	awhile 137:15 138:22	behavior 7:17	bigger 90:5 130:6
approaches 124:6	assistant 64:17	Azua 51:22 52:1 53:5	belief 105:1	biggest 111:4,18
appropriate 43:3 113:16,20	associated 67:4		believe 9:18 42:2 44:10 51:2 57:20 60:1 76:12 77:22 80:17 92:1 98:15 128:16 129:12 142:8 143:3 144:20	bike 151:7,10
appropriated 51:14	assume 35:15 52:18 90:20 100:21	B	believer 128:14	bikes 19:7
approved 35:16 104:22	assuming 34:2 67:17 95:14	back 6:4 8:22 10:6 20:5 29:20 36:9 60:13,14 61:16 69:16,17,19 70:5 85:6 86:11 92:11 100:4 105:21 111:4 118:3 119:8 120:5,10,20 125:2 130:14,22 139:6 149:2 151:10	believes 85:22	Bill 36:10
approving 130:13	assumptions 22:1 28:13	background 25:18 145:14	benefit 122:19 134:15	billion 18:2,3 56:4 147:18
approximately 70:11	astonishment 115:21	backyard 75:20 104:8 106:14 119:16,17 130:20 130:20 132:4	benefits 13:7 25:15 28:12,14 29:9 127:10 141:21	billions 106:6,7
April 15:19	astronomical 129:11	bad 147:21	benefitting 146:4	bit 20:5 41:1 42:5 50:9 75:3,21 86:5 122:15 137:1 141:16 145:14
arbitrary 68:7,10	ate 78:19	Baltimore 33:7 146:10	best 18:10,11 20:21 26:17 65:4 78:16 80:20 110:9 124:2 124:14 130:15 132:15 142:9 147:15 152:2	black 142:14
area 18:17 61:5 63:3,4,21 77:9 84:17 85:18 86:15 92:7 94:13 95:8 106:19 117:15	attached 24:13	bang 18:8 62:16	Bethesda 15:4 18:17 29:4 94:16 98:12,14 99:13 100:3 104:18 109:4 116:1 118:18 135:17 136:4,6 137:10 140:17	Blacklow 44:5,5,14 44:18 45:2 46:13 47:7,12 80:11,11 82:11,18
areas 46:8 76:8,10 118:1	attack 89:14	Bardin 139:22,22 142:4	Bethesda-Chevy 117:15,16,17	block 126:17
argue 67:21	attended 19:8,16	barriers 73:15 75:19 111:15	Bethesda-Silver 61:4	blags 62:2
argument 114:1 149:3	attention 74:13 79:8	based 42:15 65:12 66:7 93:3 135:10 144:2	Betsy 94:8 130:4	blown 90:19 91:6
arguments 78:17 111:20 135:11	attest 50:17	bases 75:11	better 17:19,21 18:8 88:15 109:15 132:10,11 139:19 141:21	BLT 97:22 99:7
armor 88:22	attorney 66:9	basically 18:3 26:15 50:17 58:9 64:1 66:2 84:1 106:18	beyond 45:9 95:6 95:22 96:3,5 104:19 105:1	bluntly 110:8
article 119:21	attorneys 70:16,18	basis 21:1 52:8 137:5	boards 23:11	board 62:7 69:16 69:17 121:6 137:7 141:3 144:5
ashamed 139:11	attract 109:6	BCC 73:3	body 23:8,10	boards 23:11
Asher 48:20,20 49:5,5 50:12 51:10	at-grade 72:21 73:2,14	bear 127:2	bold 144:11	body 23:8,10
aside 87:12	audience 47:17	beat 35:18	bono 21:1	borders 126:4
asked 38:21 63:5,8 73:20 75:15 78:8 102:17 121:9	Austin 20:22	beaten 139:14	bore 31:12	bore 31:12
asking 38:7 47:18 56:19 91:15 116:20 121:10	authors 116:19	bedtime 30:16	bothers 127:3	bothers 127:3
aspect 110:7 124:8 124:16	available 23:3,5 25:22 30:16 39:5 45:4,6,11 46:6 59:12 66:12	beginning 131:19	BOTL 88:15	BOTL 88:15
aspects 123:3	Ave 77:4 150:16	behaved 5:3	bought 94:10,13 127:16	bought 94:10,13 127:16
assemble 140:9	Avenue 28:6 39:20 43:18 44:6 58:3,7 80:12 92:6 100:3 110:5 112:2 140:15		box 22:6	box 22:6
assess 33:9 66:3	average 119:10 120:10		Boy 78:4	Boy 78:4
assigned 78:18	avid 128:12		BRAC 16:19,21 17:7 28:16 29:14 29:16 42:4,16 57:18 70:3 79:8 105:12 109:1,11 140:17	BRAC 16:19,21 17:7 28:16 29:14 29:16 42:4,16 57:18 70:3 79:8 105:12 109:1,11 140:17
assist 14:5,15 20:19 72:1	avoid 134:8		Bradley 37:22 125:3 127:14,19	Bradley 37:22 125:3 127:14,19
	aware 60:18 131:9		branch 138:8	branch 138:8
	awe 125:4,13			
	awful 115:12			

branches 31:21	64:9	128:18 132:7	90:22 123:3	118:19 120:21
break 137:11	buffer 84:1,2	136:7 145:18	130:13,15,16	121:3,10 134:6
breeze 3:15	buffers 86:3	146:11	139:9	136:4 137:10
bridge 14:18 15:4	build 39:12 62:17	buses 16:7 108:13	cases 68:12	138:9 142:10
15:22 17:10 18:12	62:18 63:13 69:2	109:7 148:1,2	catenary 63:10,10	148:9
25:8 27:19,21	71:18 111:7	business 62:13	63:11 73:18 97:8	cheaper 62:17
28:6,11 40:3,6,13	113:21 123:15,20	137:12	cause 117:8,11	134:16
40:14 41:2,6	buildable 150:21	bus-rapid 33:16	141:19	checking 150:7
42:14 44:11 58:2	building 56:15 57:8	buy 111:8	causes 114:10,14	Chevy 1:1,12 11:13
58:13 59:4 67:20	133:8 135:1,4		114:15	17:12 23:7 27:10
68:22 69:3,12	145:18 150:20	C	cell 6:22 8:9	27:17 41:21 43:17
70:7 71:8 95:5,7	built 14:21 15:1	C 3:1	census 28:19	58:4 103:9 111:3
95:10,18,21 96:5	16:5 56:3 62:21	calculated 48:6	center 1:12 16:21	111:5,5 112:17
96:8 97:4 99:22	98:8	calculation 148:22	28:15 30:6 42:10	115:13 117:18
100:1,1 102:4,10	bulldozers 111:7	calculations 145:21	42:12 57:21 100:2	118:19,19 120:21
102:20,21 108:17	Burda 1:15 9:16	call 6:15 37:4 116:5	101:4 115:9 116:5	121:3,10 134:6
126:2 132:8	10:4 11:11,12	147:5	119:7	136:4 137:10
151:11	12:1 18:10 38:5	called 6:2 18:21	centers 62:12,13	138:9 142:10
bridges 98:22	38:19 39:11 40:4	29:11 33:18 43:7	certain 13:22 46:11	148:9
brief 7:19 8:2 30:21	41:11 42:7 43:21	84:12 106:4 132:8	46:14,16 128:20	Chicago 114:12,20
36:9,16 42:10	44:12,16,22 45:12	campaigning 145:2	certainly 4:1 46:9	child 139:14
44:8 57:13 100:12	45:20 48:10 49:21	145:3	115:4 141:18	choice 38:8
103:22 151:21	54:2,15 56:5,17	Canada 39:3	142:21	choose 67:19 82:2,5
152:1	57:15 76:5 78:4	candid 138:17	cetera 133:12	chooses 65:14
briefly 25:16 51:21	82:6,16,20 83:12	candidate's 144:3	chair 11:14	93:11
bring 9:20 29:5	83:15 85:14 86:9	canopy 63:21 97:7	chairman 141:3	choosing 38:11
58:10 118:21	87:18 91:8,17,22	100:9	chairs 36:17 104:1	Chorus 49:2 53:14
137:1	92:14 94:12 95:4	capable 140:11	challenge 7:21	chose 93:21 94:15
bringing 48:12	95:13,16 96:10,22	capital 15:3 18:14	53:19	Christine 51:22
79:7 86:22 87:14	97:5,16 98:3,6,21	18:22 54:10 55:7	challenges 48:9	CIA 114:19
broad 117:17	99:10 101:6	63:14 71:7 99:12	chance 4:19 77:18	circuit 118:1
broken 3:12	102:16 142:2	99:14 100:6 138:8	103:17 132:20,22	circuitous 102:6,18
brought 68:21	152:8	141:4 145:22	chances 77:13	circulated 34:11
114:7 139:5	Burda's 38:1	146:17 149:19	126:17	circumstances
Browning 116:15	bureaucratic 32:12	capricious 68:8,10	change 141:18	29:12
116:16	burglar 32:4	capture 152:4	changed 29:12	citation 5:18
BRT 25:8 27:13	buried 53:6 69:11	capturing 8:18	79:12	Cities 32:19 33:2,6
28:7 62:3,7 67:20	bus 14:19 15:22	card 47:7 49:17,18	changes 54:12	citizen 30:13
69:1,3 79:5	16:6 27:19 39:2	50:3 117:6 143:11	changing 139:7	106:18 131:20
100:22 101:8	40:18 41:7 44:19	cards 65:1	Charrow 136:21,21	citizens 26:1
102:3,21	45:7 62:7,14 63:1	care 77:7	Chase 1:1,12 11:14	126:22 137:4
buck 18:8 62:17	76:9 95:1,12,21	cared 107:2	17:13 23:7 27:11	147:15
budget 14:4 19:17	96:7,21 97:1	cares 111:17	27:17 41:21 43:17	city 14:10 99:15
19:20 22:14,15,21	99:11,16,17,18	Carrollton 135:18	58:4 103:9 111:3	101:12
54:5,10 55:10	100:7 108:12,13	cars 17:11,13 39:6	111:5,6 112:17	civility 7:12,15 8:5
59:6,15 60:21	108:19 109:8,9,15	42:21	115:13 117:15,16	claimed 121:9
budgeting 54:14	109:15 123:8	case 35:2 78:16	117:17,18 118:19	clarification 37:3

100:15 101:15 clarify 11:1 clarity 11:3 clean 108:13 clear 28:4 35:10 63:17 74:19 86:15 124:3 132:21 138:13 144:13 clearer 132:13 close 115:6 closed 7:6 118:6 closely 21:2 closes 33:2 clout 113:7 club 141:15 clue 75:17 coalition 54:21 71:3,4,16,18,22 78:9,10 81:4 82:17,17 123:15 134:22 135:3 140:9,12 141:4 coalitions 54:20 113:17,21 150:20 Coble 122:12,12 college 31:10 114:11 combination 74:3 come 6:18 8:21 9:1 10:6 13:2 35:19 36:1,18 37:6,8 47:18 64:11 69:18 72:13 75:7 82:19 92:11 97:17 99:4 102:15 112:2 114:13,20 118:1,2 124:18 127:13 135:15 138:16 139:10 152:13 comes 17:11 60:16 99:21 101:21 comfortable 104:2 coming 12:2 65:7 91:2 120:10 commend 52:2 comment 13:18 18:9 20:9 33:1	41:10 43:5 48:2 66:7 69:14 83:17 88:17 91:21 97:12 97:14,15 98:20 99:2 100:12,15 132:18 146:20 147:1 150:13 152:9 commentary 78:1 commenters 151:7 commenting 151:9 comments 2:7,20 4:17 7:19 8:1,2,18 8:20 10:9 12:5 20:16 21:3,9 22:4 24:8,13 26:3 30:1 30:4,12,14 34:12 34:13 36:16 40:8 40:12,13 41:7 42:9 43:8 44:1,2 44:10,19 47:6,11 50:18,20 52:5,12 61:9 66:1 68:1 74:4 75:1 80:2 91:10 103:3 131:7 131:15 132:2 150:16 151:5,21 152:13 commit 54:22,22 55:2 commitment 144:5 commitments 34:15 committee 11:15 23:11 31:5,7,8 41:12 137:4 committees 134:20 commune 126:10 communicate 88:22 112:4 communication 89:5,11 communications 87:3 89:21 124:20 communication-... 89:14 communities 39:5	62:15 71:5,13 89:4 118:10 119:5 135:18 137:14 145:6 community 1:12,17 5:6 19:1 40:6 52:20 62:12 82:9 93:1 106:22 111:5 115:8 119:3,6,7 132:5,11 134:21 company 120:21 121:3,11 148:9 comparative 26:11 compete 35:7 competing 56:12 competitive 16:2 compilation 102:1 complaint 70:13 complete 27:2 61:2 61:6 68:17 completed 68:6 141:20 completing 34:19 complicated 20:19 78:20 complicating 54:1 complications 46:16 comprehensive 135:15 compromise 139:20 comps 144:16 computer 144:7 concern 42:13 60:16 61:9 122:14 123:4,10 124:7,15 concerned 40:15 42:16 60:10 63:13 concerns 65:12 67:18 concluded 85:2 concludes 132:19 conclusion 123:2 conducting 13:20 conference 121:5 confident 149:12	configurations 95:20 confused 33:8 34:10 confusing 98:7 congratulate 112:20 connect 18:21 62:8 62:11 101:3 connected 102:10 Connecticut 28:5 43:18 58:3,7 112:2 140:15 connecting 101:1 135:17 147:11 connection 102:9 consequences 43:14 consider 16:16,17 27:8,12 28:10 45:8 48:14 52:19 55:6,12 109:19 125:19 consideration 35:4 54:8,13 80:22 132:4 considerations 105:18 considered 19:19 26:14 62:3 64:6 80:15 82:12 98:8 101:11 constituencies 53:22 constructed 35:12 construction 36:6 59:22 constructive 8:2 consultant 38:9 consultants 14:5,8 14:17 17:18 24:11 24:12 26:15 38:3 38:11 contact 117:3 122:7 contacts 112:8 contemplating 96:2	context 25:5 continue 33:4 65:9 65:15 74:4 77:9 77:17,20 90:9 96:11 99:14 131:5 131:13 142:22 continued 107:18 continuing 65:11 77:19 contract 73:22 contribute 127:1 129:22 contributing 128:8 contributions 79:4 control 143:16 controversial 5:11 7:4 convened 1:10 conversation 115:17 cooked 114:19 coordinate 145:5 Copeland 27:22 43:16 copies 42:8 copy 30:17 42:11 copying 22:17 cordial 5:3 core 149:9 correct 22:15 42:3 45:17 46:12 91:7 131:21 corrected 146:7 147:3 corridor 32:19 33:6 101:19 Corridors 33:2 cost 13:6 16:5 18:1 20:10 22:15 25:14 29:1,4,5 46:21 47:3,9 49:8 55:21 56:1 57:5,6,6,7,7 60:6 66:8 82:21 83:2 85:3 99:18 105:12 106:6 122:19 126:19 127:1 129:18
---	---	--	---	---

135:5 146:1,17 148:14 149:19 costs 25:11 29:3 77:7,8 90:19 129:11 council 1:3,10,14 3:6 11:11 12:1 14:3 15:18,20 18:10 31:1,3,7 38:5,19 39:11 40:4 41:11 42:7 43:21 44:12,16,22 45:12,20 48:10 49:21 50:16 51:8 51:14 54:2,15 56:5,17,18 57:15 62:5 76:5 78:4 79:21 80:5 81:17 82:3,6,16,20 83:12,15 84:15 85:1,11,14 86:9 87:18 89:10,17 90:4 91:8,17,22 92:14 94:12 95:4 95:13,16 96:10,22 97:5,16 98:3,6,21 99:3,10 101:6 102:16 122:16 124:12 130:10,11 130:11 142:2 148:10 149:13,21 150:3,6 152:8 councilman 123:8 councilmember 11:13 counsel 14:15 20:18 counties 52:21 135:19 countless 23:17 country 56:2 57:2 119:2 141:15 147:7 county 32:21,21 36:4 57:1,3,4 59:8 61:7,8,14 62:13 63:6,8 84:15 85:1	89:17 94:10,12 98:13 99:21 105:7 107:7 111:8,17 121:18 123:5 130:10 135:14 147:6 couple 7:7 88:21 104:2 135:2 140:6 course 15:12 18:15 35:19 52:11 93:11 115:16 121:14 137:20 court 67:6,8 104:11 105:15,16,21 106:9 107:21 115:4 145:9 courts 68:21 69:3 cover 108:7 co-funding 134:12 crazy 120:17 creating 16:5 Creek 27:12 43:15 112:10 141:9 151:12 Crescent 15:3 18:14,22 63:14 71:7 99:13,14 100:6 126:5 138:8 141:4 crisis 127:6 criteria 33:18 criticized 125:9 cross 3:13 43:19 73:7 100:19 120:13 crossing 72:21 73:2 73:3 crossings 73:14 CSX 96:15,17 101:2 cumulative 30:9 43:12 curious 47:4 current 46:9 95:22 99:16 141:7 currently 5:12,21 17:14 41:1 57:21	64:9 95:6 96:6,14 96:19 cut 86:15 108:7 119:15 124:3 138:13 148:5 cutter 111:18 cutting 28:4 144:13 cyclist 128:12 Cynkin 77:3,3 79:16 150:15,15 C-O-N-T-E-N-T-S 2:1 <hr/> D <hr/> D 3:1 dam 38:14 damage 141:17 damn 77:6 Daniel 142:6,7 darn 138:14 data 25:12 28:18 28:19,19 29:15 30:7 43:3,5,6 67:2 75:15 145:7 date 2:4 4:10 10:5 22:10 29:20 51:18 84:22 DAVE 1:22 David 1:16 10:9,10 30:21 31:2 36:11 87:4 119:17 day 18:4 19:9 79:20 89:7,8 115:10 121:4 123:18 days 33:21 45:9,16 62:3 91:16 114:11 de 51:22 52:1 53:5 deaf 111:22 deal 75:10 89:3 Dean 93:19 deaths 119:10,12 debate 4:7 Deborah 106:12 decide 65:22 67:6 74:3 82:4 92:9 93:1 decided 14:3 20:16	50:13,15 74:7 89:18 94:17 decision 6:11 26:9 34:18,20 35:1,17 45:15 48:9,16 50:22 51:1,6 52:9 52:22 54:17 66:2 66:5 70:13 90:1 91:19 92:2,11,12 93:2,7 105:20 125:10 150:18 decisions 12:19 26:1 50:6 92:18 126:15 Deden 90:16 131:2 dedicated 101:13 108:12,19 deem 136:12 deemed 114:15 deep 109:20 deeply 107:2 108:3 108:6,7 127:3 defend 145:7 define 70:17 definitely 55:9 degradation 105:11 degraded 118:5 degree 147:15 degrees 5:19 DEIS 2:7 10:9 13:20 16:19,22,22 17:5 20:9 21:3,9 22:5 24:20 29:11 34:10 40:9,15 67:19 68:2 76:6 delay 110:9,16 123:17 124:11 135:12,14 136:16 142:16 delayed 129:4 delaying 124:9 deliberative 55:10 demand 148:4,15 148:15 Democratic 115:12 demonstrate 7:12	density 121:15,18 dents 88:21 Department 52:17 depending 64:10 65:13 66:15 67:17 68:15 depends 78:18 derived 21:22 138:20 139:2 describe 24:6 design 121:8,11,13 designed 26:18 121:12 desperate 3:22 destroyed 31:20 detail 26:8 28:3 37:3 73:8 detailed 38:22 70:17 details 105:3 determined 38:9 48:7 116:8 determines 38:18 develop 87:11 88:4 112:12 developed 73:22 101:16 107:12 121:7 129:6 developers 136:2 137:8 development 5:6,8 5:9 27:9,15,17,22 43:16 61:13 106:19 121:15 developments 94:4 devote 26:6 142:22 devoted 125:6 126:5 dialogue 79:11 88:12,13 93:10,16 Diane 47:21 die 110:15 diesel 63:8 64:3 differ 98:19 difference 79:13 different 9:5 25:6 25:10,11,11,12
---	--	---	---	--

27:13,18 49:18 52:16 68:15 70:22 71:1,17 81:4 99:19 101:2,10 102:19 107:10 111:21 120:8 124:5 129:15 137:7 differently 89:15 difficult 85:18 101:17 140:14 dig 106:5 direct 28:14 directions 120:8 directly 57:2 74:22 133:7 134:2,14 147:9 disagree 140:10 disclosure 104:9 discovered 3:13 26:21 discuss 50:11 55:2 discussed 82:13 discussing 51:8 discussion 6:17 51:15 70:17 79:4 dismantled 32:4 dismay 112:22 disputing 126:15 distributed 49:22 disturbances 18:15 ditches 5:17 diversity 134:4 divide 146:1 149:15,20 divvy 56:6 document 24:7 25:2 30:15 46:19 documentation 21:13,14 59:18 documented 117:12 documents 21:8 23:2,3,4,13 91:2 dog 105:15 143:4 doing 14:2 23:20 77:14 91:9 93:9	94:4 143:8,13 dollar 67:3 147:3 dollars 106:7 147:18 dominates 8:5 dominoes 77:17 Don 75:8 Donald 37:21 125:3 donate 134:16 donations 19:5,6 doors 3:18,21 4:1 dot 23:7 dots 102:13,14 double 119:14 downtown 109:4 116:1 dozens 118:15 Dr 5:19 6:1,3 10:1 23:22 30:20 36:11 37:16,20 38:15 39:15 41:14 44:4 47:15 48:18,22 49:3 51:19 53:9 53:13 55:14,17 57:10 74:10,12 76:3,20 77:2 78:3 80:9 81:15 83:5 83:20 86:17 87:8 87:16,22 90:12 92:4 94:7 97:10 97:13,18,20 99:6 100:11 101:5 103:1 114:4,5 116:14 122:10 124:22 128:9 130:3 131:1 133:18 135:6 136:20 139:21 142:5 143:20 150:8,14 151:18 draft 16:22 17:6 20:17 24:8,19 25:4 34:15 52:13 150:1,4 drafted 24:10 47:2 drainage 5:17	drawing 69:16,17 72:20 drawings 72:18,22 95:19 drew 7:8 drive 47:22 72:21 86:10 116:17 117:9 119:19 driven 132:1 due 16:20 42:21 D.C 62:9 94:13,16 117:19,20 <hr/> E E 1:11 3:1,1 115:8 eager 3:17 6:20 37:5 earlier 33:22 early 24:9 38:2 earmark 145:1 ears 111:22 easier 7:13 east 58:3 100:17 102:3 118:18 126:8 140:15 148:2 Eastern 5:16 east-west 127:7,19 148:1 easy 68:11,12 118:12 125:11 echoes 3:8 ecological 39:7 economical 10:15 economics 5:21 edges 106:19 147:11 educate 20:12 142:18 education 89:2,7 effect 27:14,14 80:3 126:1,1 effective 75:4 85:3 85:8 122:17 124:21 126:19 136:16,17 effectively 133:17	effects 28:21 30:9 43:13,14 efficient 85:7 108:14 135:5 147:14 effort 5:17 16:4 22:10 36:13 56:1 78:11 80:20 89:21 122:22 efforts 74:5 79:9 81:5 116:22 129:1 131:4,9 142:22 151:2,3 EIS 34:12,15 65:15 68:7,14 150:2,4 either 45:6 46:15 46:17 52:5 56:16 57:9 77:5 84:2 100:22 129:4 elected 19:15 20:12 31:6,6 65:11 74:5 123:4 election 15:15,16 115:10,14 143:18 elections 143:19 144:2 electric 63:9 64:3 elementary 17:13 115:13 elevator 36:7 eligibility 66:6 eligible 35:5 Elm 36:7 52:1 90:17 104:7 116:16 131:2 135:8 143:22 145:13 eloquently 131:18 Elrich 61:22 62:10 embarrass 147:22 embarrassed 139:12,13 embarrassing 130:22 emerge 53:7 emphasis 110:19 emphasize 55:1	employees 42:22 115:2 116:3 empty 144:12 148:3 encourage 20:7 22:22 130:5 152:12 encouraging 36:22 ended 16:5 111:12 endorse 46:13 endorsed 15:20 71:8 87:15 ends 108:6 109:21 110:1 energy 108:13 enforced 6:21 engage 134:16 engaged 115:16 134:22 engineer 75:16 engineering 14:10 34:6,8 38:3 105:10 123:1 124:16 engineers 88:6 English 24:6 enhanced 109:9,16 enjoy 126:7 enjoyed 126:11 128:3 enlarge 42:5 enormously 146:18 enrollment 110:13 ensure 25:21 26:19 entire 29:18 83:22 94:13,19 135:16 entrance 29:4 environment 31:8 environmental 17:1,4,6,8 20:17 24:8,18,19 25:4 25:15,20,21 27:8 28:2,8 30:10 34:8 34:19 43:14 52:13 65:21 67:21 91:3 92:2 105:11 140:22 141:1
---	---	--	---	---

environmentalists 5:15	108:16 141:6	factual 4:20 37:1	142:5 143:20	file 45:16 71:3 72:6
envisioned 104:21	exists 84:20 94:10	faculty 5:4	150:8,14 151:18	72:8 74:7 89:13
EPA 30:8 42:4,10	95:1	fail 67:22	favor 108:2 141:10	90:21 123:17
43:10	expanding 58:2	failed 27:8,12	141:19 145:4	filed 91:19
equivalent 35:21	128:3	failing 28:11,13	favorable 89:9 91:5	filing 70:12 71:1,2
ERT 97:9	expect 92:7	failure 26:22 28:3	avored 44:19	72:4 123:3 136:11
especially 25:5	expected 32:15	fair 26:19 27:1	feckless 126:16	138:4
27:10 125:7,9	expended 125:6	120:18	federal 2:9 4:12	filled 111:6
147:7 148:10	expenditure 13:10	fairly 24:6 28:10	10:11 16:14 24:17	final 34:8,12 50:6
essential 26:4	expenditures 13:5	42:10	25:1 32:9 33:10	65:15,21 67:21
essentially 125:18	81:12	fall 14:10 20:15	33:20 34:19 35:3	91:2,2,3 92:2
126:15	expense 126:22	24:20 77:17,19,20	35:6,12 45:6 56:8	finally 10:9 30:20
estimate 56:1 70:14	expensive 14:19,21	111:21	64:18,21 81:18	financial 123:11
70:16 83:1	54:12 102:8 108:8	familiarity 39:13	87:19 91:4 94:5	find 65:5 85:7
estimated 35:21	experience 72:15	Family 19:7	105:16	114:22 119:20
46:20	127:4 143:13	fan 145:17	federally 17:2	120:2 123:20
estimates 22:1	expert 13:14 26:3	far 22:11 77:14,16	Feds 59:10,10	143:2
55:21	experts 119:22	88:9 96:13 97:5	105:8	finding 105:4
estimation 70:10	explain 38:6	104:22 107:20	feedback 93:10	findings 15:14,19
et 133:12	explained 74:20	130:9 133:2 135:4	feel 39:4 40:3 41:4	fine 142:13
evaluate 26:5,10	explicitly 150:22	144:8,15,21	64:22 65:18 77:13	fire 71:11
93:14	explore 26:5	farmers 5:15	122:6,16 132:14	firm 14:9,11,14
evaluated 29:18	expressed 115:21	Farren 125:2,3	134:1 140:3	45:5
evaluating 93:8	expressing 42:13	fashion 8:12	feeling 77:5	firms 38:21,21
evening 6:3 103:21	extension 5:6	faster 102:20	feelings 129:15	first 3:10 21:13
140:8	extent 52:4 53:6	father 106:17	feels 64:20 76:12	32:14 37:5 44:9
event 18:21 19:2,3	108:16 135:1	Favero 1:19 5:4,19	feet 15:5,5,6 71:11	54:17 74:15 115:7
events 55:8	142:20	6:3,7 10:1 23:22	83:21 84:2,5	137:22 144:1
everybody 6:4 7:14	extraordinarily	30:20 36:11 37:16	85:17 86:1,2,3,8	fiscal 129:5,8,18
9:11,16 48:22	117:22	37:20 38:15 39:15	86:10,10,14 96:12	fit 60:10
53:13 70:8 103:17	extremely 118:4	41:14 44:4 47:15	141:15	Fitness 19:7
130:18	extremes 77:5	48:18,22 49:3	FEIS 34:11,17 35:1	fits 134:14
everyone's 79:7		51:19 53:9,13	66:4 67:21	five-plus 29:13
exact 83:16	F	55:14,17 57:10	fellow 4:22	flawed 28:13 29:19
exactly 47:8 49:16	faced 144:11	74:10,12 76:3,20	felt 13:12 14:1,14	131:19
66:14 137:11	facilitated 5:10,14	77:2 78:3 80:9	15:22 17:20 50:19	flaws 26:21 27:3
example 27:7 28:17	facilitator 1:18 5:2	81:15 83:5,20	72:5	114:17,18 135:11
78:10 93:17	6:8	86:17 87:8,16,22	fence 86:12,13	flexible 109:10
111:10 114:8	fact 3:11 24:16	90:12 92:4 94:7	120:1	floated 57:22
examples 114:9	45:5 46:4 56:14	97:10,13,18	fencing 120:3	Flood 11:21,22
exceed 74:1	104:13 114:17	100:11 101:5	Ferren 37:14,21,22	76:16 83:21
excellent 78:6	139:8 147:10	103:1 114:4	38:6,17 39:9	100:14 101:14
133:22	151:16	116:14 122:10	fight 114:16 142:18	flux 58:13
excuse 146:22	factor 64:9	124:22 128:9	fighting 114:14	focusing 98:17
executive 145:14	factors 55:13 78:20	130:3 131:1	133:5	FOIA 22:19 48:3
existing 13:4	factory 150:18	133:18 135:6	figure 47:5 78:22	66:22
	facts 10:20 57:16	136:20 139:21	123:14 124:1,13	foil 134:6,8

folks 9:20 11:6 106:15	frequent 128:13	general 100:8 122:3,4	22:7 23:22 32:11 36:20 37:4,17	130:8
follow 17:2 34:21 57:14 92:6	Friends 112:9	generated 106:21 144:8	41:16 42:22 47:3 47:9 48:8 49:8	government 33:11 64:18,22 81:19,22 87:19 129:13 130:11 134:1,2,10 143:17 147:16
followed 69:4,10	friggin 144:1	gentleman 37:5 76:20 113:18	51:5 52:7,9,14 54:2,9 57:8,12	governmental 134:7
following 15:20 34:17,22 71:11 115:7	front 17:12 23:7 52:6	genuine 134:4	58:16,19 59:3,20 59:21 60:10,11	governments 62:6 118:11 134:13
follows 100:1	FTA 33:20 34:1,18 66:4 68:4 79:22	Georges 61:7,8,13 98:13 130:10	65:5 68:20 69:21 70:2,4 72:18 73:4	governor 32:15 33:4,14,22 45:10 52:7 65:19 67:17 89:17,22 90:3 91:10 123:19 130:12
foot 85:15 86:6,11	full 25:14,14,14 90:19 91:6 96:14	Georgetown 118:3 138:8	75:13,17 76:1,13 76:21 77:20 78:15	governor's 5:18 33:12 66:3
foregone 123:2	fully 16:16,17 17:17 29:2,17 42:17 53:7	getting 52:15 70:13 77:17 86:22 87:12 93:20 137:21	79:20 81:9 85:6 87:14 89:15,19	grassroots 131:10
forever 128:5	fun 12:14	give 25:17 37:1 40:7 75:16 78:1 87:20	90:18 92:8,9 93:7 93:9 95:15 96:12	grateful 125:7,7,12
form 10:19 53:3 103:6 113:5 116:8 141:7	fund 60:22 134:2 135:2	given 54:8 65:4 110:19	96:15 97:14 100:11 101:22	gray 77:9 92:7 142:3,4
formally 16:11	fundamental 149:9	gives 70:1	103:2,19 105:21 108:22 109:13,19	great 6:5 9:13 12:1 19:9 68:21 104:1 109:2 114:10 118:16 137:6 151:20
formerly 11:14	fundamentally 38:17 125:21	glad 114:7	110:10,12,15 111:2,21,22 112:3	greater 121:15 127:5 128:8 132:5
forming 77:10	funded 35:18	gladly 127:9	112:18 119:4,7,13 120:4,5,9,13,22	greatest 79:18
forms 146:2	funding 24:17 25:1 35:5,6,13,20 93:18,22 129:19	go 12:10,20 25:16 27:21 50:7 52:6 60:1 67:6,8,8 69:2	123:19 124:3,6,9 124:18 125:11,22	green 107:6 119:3
forth 20:6 25:13 27:3 28:9 115:1 119:8 120:5 151:11	fundraising 72:1 82:8	81:13 86:10 90:22 92:10 94:1 95:22	131:16 132:12,13 132:17,20 138:10	grew 107:3
fortunate 55:5	funds 46:6 50:16 80:21 82:15 115:1 129:22 145:2	96:3 98:10 99:15 100:13 101:12	139:13 141:14 143:3,5 144:21	groaning 38:13
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	FunFit 19:7	104:11 105:2,12 105:15,15,21	146:6 147:20 148:11	ground 6:15,20 7:9 7:18 8:14 9:8 108:4
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	further 9:14 13:16 30:8 46:15 85:1 135:4	107:21 111:4 112:7 118:3	good 6:3,12 11:5 14:14 20:1 30:22 36:18 38:15 39:15 55:11 57:10 76:18	groups 13:15 49:19 81:4 111:14 112:9
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	future 109:18 129:10 132:12	119:20 126:9 131:3 132:15	78:17 79:3 80:3 81:15 84:8 87:3	group 13:15 49:19 81:4 111:14 112:9
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	FY 14:4 19:17 22:14,14	144:18 147:22 148:1 149:11,17	88:12,12 89:8 92:21 98:5,6	groups 19:1 20:12 30:13 43:22 52:21 53:20 78:11 110:20 118:15 131:20 134:7,13
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	<hr/> G <hr/>	goal 26:17 142:16 142:19	92:21 98:5,6 125:5 127:5 128:8	growth 128:15
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	G 3:1	goes 60:15 85:17 95:6 96:9 100:2,3	128:17 130:16 132:5,22 135:10	guarantee 69:7
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	game 113:2	going 3:19 6:18 7:13,21 9:15,16	138:2 147:5,14 148:7 149:2 152:7	guaranteed 149:4
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	gasoline 36:1	10:2,3,4,7,10,14 10:15 12:10,11,14	goodies 112:7	guess 81:17 84:4
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	gather 50:12	12:20 17:9 18:16	gotten 59:18 83:1	
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	gathered 67:15			
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15	Gay 119:6			
forward 2:15 4:13 22:21 31:9 35:4 47:18 65:3 70:9 79:20 90:18,22 94:1 131:4,16 132:15				

89:16 90:9 91:14 94:9 104:14 135:22 guesses 81:11 guessing 149:15 151:14 guidelines 16:14 guys 140:2	51:7 92:16 93:3 152:10,12 hearings 32:22 heavily 127:15,17 heavy 147:10 held 12:22 15:12,17 18:20 40:5,5 Hello 143:21 help 8:11,12 24:11 51:3 81:6 113:22 helped 64:19 helping 16:18 21:8 141:8 hero 114:10 Hi 11:11 31:1 135:7 139:22 145:12 high 18:1 26:2 58:4 102:3 highway 57:22 58:11 108:17 127:19 148:1,3 hike 8:22 hill 102:15 Hillcrest 128:12 Hills 118:19 hired 14:9 hiring 150:22 history 5:19 89:4 103:10 hit 31:18 hold 23:22 69:5 94:17,21 holding 45:8 71:10 138:3 149:1 holds 95:5 Holly 83:7 84:7 home 31:20 homes 144:14,20 honest 5:3 19:6 hope 6:17 36:8 50:19 61:1 92:22 110:9 152:4 hopefully 3:14 32:12 55:12 hoping 20:7 80:2 110:14 hospital 116:4	hosting 19:2 hour 17:12 73:5 148:2 hours 23:17,19 80:14 104:2 117:1 house 5:13 7:6 household 46:22 47:1 households 57:4 houses 58:7 111:13 111:14 hug 106:7 Hutchens 114:11	important 11:1 16:16 17:16 29:3 69:15 89:6 impossible 9:4 152:2 improve 74:18 85:19 improved 73:18 108:12 improving 148:8 inadequate 68:7 include 19:5 29:3 34:12 included 24:12 28:2 29:16 includes 26:10 83:22 84:3 107:18 including 15:14 26:8 30:5 34:13 36:6 48:5 83:18 98:12 137:8 141:11,14 income 134:18 incorporated 52:6 increase 17:9 35:22 116:3 129:2 increased 42:18,21 43:16 increases 16:19 42:14 43:4 121:18 increasing 112:21 incredible 31:19 independently 33:13 58:12 indirect 43:13 individuals 65:15 71:16 133:17 inefficient 146:19 inefficiently 147:19 influence 131:12 information 4:5,9 19:10 20:20 21:11 21:12,17,18,20,21 22:18 25:22 26:2 31:17 40:7 46:9 48:4,5,6 49:7 66:16,20 68:22	69:12 83:9 105:3 informational 1:5 3:4 50:4 infrequent 107:9 infrequently 107:6 Ingram 90:16,16 91:14 131:2,2 initial 40:18 initially 20:10 138:6 initiate 34:5 67:15 input 92:12 instance 43:8 54:11 65:19 instructive 7:20 intelligence 114:20 intent 85:5 interest 53:17 67:1 101:7 112:11 134:13 136:13 147:15 interested 8:18 61:12 69:4 71:10 90:10 105:4 117:1 117:3 122:2,4,5 interesting 21:18 48:4 interests 53:21 136:2,3,5,8,10,19 interface 147:9 internationally 14:13 interviewed 14:7 introduce 11:18 Introductions 2:3 invested 50:8 investigating 115:4 investment 101:8 101:19 102:3 invite 13:1 invoke 84:11 involve 74:15 involved 7:3 52:21 112:5 Iran 134:8 irrelevant 125:21 irreparably 141:17
H				
half 18:5 84:6 148:3,15 Hall 1:11 hand 6:9 handed 46:18 handled 20:21 happen 32:11 50:10 58:16 59:3 63:18 69:8,20,22 78:15 109:1 happened 3:15 happening 40:16 56:7 93:14 happens 126:3 happy 5:22 6:7 7:7 20:22 58:14 76:17 113:10 hard 41:5 80:16 123:13 133:16 142:8 143:3 harm 25:15 144:14 heads 9:12 headways 120:8 hear 6:4 48:22 53:13 76:14 82:12 93:3 heard 8:14 29:20 37:2 52:20 55:20 65:17 82:18 94:15 103:10,10 122:15 123:15 124:19 125:8 127:4 131:7 131:15 132:2,19 137:22 150:21 152:10 hearing 4:7 13:1 19:21 39:22 50:5	helped 64:19 helping 16:18 21:8 141:8 hero 114:10 Hi 11:11 31:1 135:7 139:22 145:12 high 18:1 26:2 58:4 102:3 highway 57:22 58:11 108:17 127:19 148:1,3 hike 8:22 hill 102:15 Hillcrest 128:12 Hills 118:19 hired 14:9 hiring 150:22 history 5:19 89:4 103:10 hit 31:18 hold 23:22 69:5 94:17,21 holding 45:8 71:10 138:3 149:1 holds 95:5 Holly 83:7 84:7 home 31:20 homes 144:14,20 honest 5:3 19:6 hope 6:17 36:8 50:19 61:1 92:22 110:9 152:4 hopefully 3:14 32:12 55:12 hoping 20:7 80:2 110:14 hospital 116:4	idea 8:3 40:19 77:14 113:8 134:12 138:1,2 identified 27:2,4 83:22 identify 101:19 images 144:8 immediately 58:21 immoderate 116:12 impact 17:1,6,8 20:17 24:9,18,19 25:4,14 28:2,8 34:9 42:16 54:9 59:1 65:21 67:22 91:3 92:3 100:8 111:2,20 112:3 115:3 125:19,19 133:13 138:10 143:1,2 impacts 18:18 19:12 25:11 27:8 27:13 29:16 30:11 43:15 57:18 76:13 impartial 133:1 impervious 104:19 105:18 implementation 147:8 implication 98:2 implications 60:6,7 implied 127:11	I	income 134:18 incorporated 52:6 increase 17:9 35:22 116:3 129:2 increased 42:18,21 43:16 increases 16:19 42:14 43:4 121:18 increasing 112:21 incredible 31:19 independently 33:13 58:12 indirect 43:13 individuals 65:15 71:16 133:17 inefficient 146:19 inefficiently 147:19 influence 131:12 information 4:5,9 19:10 20:20 21:11 21:12,17,18,20,21 22:18 25:22 26:2 31:17 40:7 46:9 48:4,5,6 49:7 66:16,20 68:22

Irving 92:5	68:22 69:2,12	kinds 62:11 81:12	55:20 125:3	legal 20:18 24:7,13
Irwin 106:17	70:7 71:8 95:5,7	105:18	127:14,19	28:15 48:8 53:19
issue 5:12 6:9 7:4	95:10,18,21 96:5	knew 14:11 29:14	lanes 58:5	67:16 110:7 111:1
34:18 59:5 60:20	96:8 97:4 99:22	43:4 80:6 127:15	LANG 1:17 56:18	113:19 116:21
72:10 75:12 87:6	100:1,1,17,19	127:17,20,21	89:10 90:4 99:3	123:3 124:15
93:19 110:22	102:3,4,10,19,21	knock 60:3	149:13,21 150:3,6	129:10 151:2
111:1 113:2	108:17 126:2	know 3:21 7:5 8:22	large 27:16 95:5,8	legislator 116:10
118:21 140:11	132:8	11:12,15,16 40:2	97:7 122:21	legislature 115:15
issued 14:7 20:18	Jossie 53:11,15	40:12 44:18 45:18	larger 71:16 82:9	116:9
issues 2:6 4:21 10:8	judge 69:10 78:18	46:4 47:4 49:11	largest 145:15	legitimate 142:16
13:22 14:21 20:13	judges 105:17	49:15 53:3,8	Larry 77:3 150:15	Leland 97:21 114:6
53:20 57:17 69:15	judgments 91:4	54:10 56:6,13	late 3:15 20:15 51:7	119:6
70:3 71:14,14	Judy 86:19 87:20	58:18 59:2,4,6,7	96:17	length 151:10
72:9 91:11 107:1	July 32:18 51:8	60:9,14 61:20	Laughter 31:14	letter 13:15 49:22
item 2:2 22:21	92:16 93:4 152:12	62:3 63:13 64:15	32:6 78:5	116:19 117:1
items 54:10 68:16	June 1:8 12:22	64:19 65:7,16	law 27:6 105:19	118:15 122:8
111:21	32:22 33:1	66:10,13 67:12	Lawn 119:7	let's 7:10 11:7
	justify 109:17,19	68:19 69:11,19	lawsuit 45:8 47:1	35:15 36:12 75:5
	109:22	71:4 72:19 76:6,6	49:9 50:13 54:19	76:3 80:20 90:12
		79:13 81:3,11,18	55:21 57:6,7	124:1 150:9
J	K	82:8,22 90:5 94:9	90:19 107:19	level 75:17 76:1
Jacob 139:22	Kaminsky 39:19	96:14 97:6 102:12	114:17 123:17	81:22 101:18
Jane 1:11 115:8,9	39:20 92:5,5	104:1 107:1 108:8	124:8 131:5,16	105:6,6,7 113:16
115:13 116:7	Kathy 1:12,15 3:5	108:22 109:12	132:16 135:9,12	131:10
jazzy 12:13	6:6 7:2,22 10:6	116:18,18 121:1	136:11,15 138:4	leverage 116:9
JBR 27:13 28:6	24:3,5 32:10	121:16 122:8	142:12 150:20	liaison 1:17 31:7,8
Jim 143:21	34:14 41:22 52:3	124:3 126:16	Lawton 1:11 115:8	lie 144:11
Joan 135:7	67:12 70:20	129:9,14,20 139:6	115:9,14 116:7	life 60:7 105:16
job 24:4,5 32:8	keep 5:2 16:4 61:16	140:3,18 143:11	lawyer 71:19 78:8	133:14
122:17 124:21	64:7 78:22 79:14	144:16 148:18	78:8,9,12,13,13	light 17:21 18:1,12
128:17 151:20	93:8 94:3 113:15	152:10	78:14 86:22	25:9 28:15 29:1,6
Joe 104:6 114:8	113:20 124:2	knowledgeable	lawyers 24:10	30:16 33:16 39:2
131:18	142:11	46:3	45:11 47:4,8	43:3,19 45:7 56:3
John 64:16 110:4	keeps 85:6	knows 47:2 70:8	66:18 71:18 87:13	56:15 61:10,11
122:12	Kepler 47:21,22	76:4 105:8	87:14 88:6	62:22 63:3,14
Johnson 94:8,8,22	kept 139:7		lay 41:16 92:20	69:20 75:13 76:2
95:10,14 96:7	key 148:10	L	laying 122:17	76:8 77:18 83:10
97:2 130:4,4	kick 120:22	lady 97:21 116:13	leader 140:11	89:18 94:4 97:3
join 66:19 71:15	kids 119:7,15,18,19	142:14	leadership 5:9	98:9,14,18 99:9
106:22	120:2,12,13	laid 25:6 82:14	leads 46:15	100:10 104:18
joined 19:2 78:11	kind 11:3 12:12,21	lake 27:11,17 111:3	learn 19:11	105:9 115:19
joining 6:2	16:8 18:18 19:6	111:6	leave 32:2 103:14	122:5 123:9
Jones 14:18 15:3	39:7 53:18 54:13	Lakes 43:17	103:16	128:19,21 136:12
15:21 17:10 18:12	71:16 74:21 75:22	land 60:5 120:21	leaving 135:18	140:16 141:2,10
25:8 27:19,20	78:13 79:20 86:3	121:3,10 148:9	led 19:13	146:3,21,22 147:8
28:6,11 40:2,6,12	127:7 138:14	landscaping 73:15	left 11:1 74:14	lighting 54:11
40:14 41:2,6	148:4 151:8	Lane 1:12 37:22	89:16,22 112:19	lightning 31:19
42:14 44:11 58:2				
58:13 59:3 67:20				

likes 30:21	136:5,22 137:13	130:17	management 39:8	105:12 119:13
Lila 48:20 49:5	139:19 143:14	lose 132:18 133:4	mandated 17:2	120:16
limit 49:12 51:11	lived 142:7	losing 87:1	25:20	means 16:22 38:7
line 1:5 3:5 4:5	lives 5:21	lost 32:1 87:2	mandatory 34:21	127:8
6:10 9:2 10:6	living 127:11	114:10,15	Manhattan 106:6	medical 16:21
11:16 13:3,8,12	lobbying 131:6	lot 7:13 11:16	manner 27:2	28:15 30:6 42:2,9
14:12 22:20 27:10	133:16 151:2	12:17 19:9 20:11	Maple 77:4 110:5	42:12 57:21 100:2
32:17 33:6,7,8,13	lobbyists 150:22	20:20 40:17 59:7	150:16	116:5
33:15,19 35:11	local 16:7 105:19	61:3 62:16 76:8	march 15:18 114:2	meet 68:13 74:5
36:5 56:3 61:11	125:9	78:11,20 79:3	Marian 142:6	87:20 115:7 137:5
61:19 62:21 64:4	locally 32:16 33:19	81:13,19 88:13,19	mark 59:13 61:22	152:7
64:11,21 65:7	66:3 101:20,21	89:1,3,8 95:11	62:10	meeting 1:5 3:4,20
71:6 72:13 84:21	located 116:6	107:6 109:5,5	market 5:13 7:6	4:4,16 5:11 6:19
94:11,13 103:10	location 43:1 109:3	117:5 131:7 135:8	Mary 55:19	7:3 8:16 10:22
104:18 108:1,5,6	121:20	135:20 143:10	Maryland 1:1,12	11:5 13:3,9 14:1
109:21 110:13	locked 102:10	145:17 146:10	5:5,18 34:4 56:20	15:15,19 20:1
113:4,9 115:17	logic 104:20	lots 9:19 20:2 70:20	62:9 119:10	37:12 40:5,6
118:22 121:1,2,20	long 23:12 31:5	louder 3:7	Maryland's 64:15	49:10,18 52:16
122:3 123:9 126:3	58:19 102:14	lousy 87:2	mass 128:14 129:2	59:14 80:8 115:8
128:4 130:7,18	106:16 107:22	love 45:21 106:14	141:21 145:15,17	123:22 128:16
133:21 137:5	108:9 109:17	145:6	145:18 147:4,6,18	meetings 7:8 15:12
138:7 139:10	120:20 136:16	low 81:12 99:18	master 84:10,12	20:2,11
143:15	138:16	101:7 126:18	material 14:18	member 5:4 11:11
linear 106:15	longer 32:6 104:15	lowest 16:4	materials 15:8,11	12:1 18:10 31:1,2
107:12	long-range 11:15	LRT 100:22	matter 67:9 77:21	31:4 38:5,19
lines 108:12 137:12	look 14:22 16:12	Lublin 1:16 10:10	79:17 152:17	39:11 40:4 41:11
137:12 147:12	17:18 30:4 45:21	31:1,2 79:21	mature 63:21	42:7 43:21 44:12
Line's 66:5	52:7 55:3 63:6,8	81:17	max 56:9	44:16,22 45:12,20
link 109:20	70:5 72:18 82:9	lured 110:17	Mayor 1:12,15 3:3	48:10 49:21 54:2
list 7:8	84:16 89:20 91:5	luxuries 126:7	24:4 37:18 46:1	54:15 56:5,17,18
listed 118:15	93:13 101:18	luxury 126:7,13	48:15 49:14 50:2	57:15 76:5 78:4
listen 8:4 10:13,16	113:8,22 114:9	Lynn 47:22 72:21	50:14 51:13 52:10	79:21 81:17 82:6
listeners 151:20	123:14 124:4	86:10 119:18	55:16 82:13 84:7	82:16,20 83:12,15
listserv 117:6	130:6 136:18		88:2,11 90:2,7	85:14 86:9 87:18
litigation 68:4	144:9 145:22	M	93:5 98:5,16 99:8	89:10 90:4 91:8
70:11 134:3,18	148:1	Madaleno 45:3	ma'am 39:17 47:19	91:17,22 92:14
135:5 145:2	looked 18:12 26:13	46:2	48:19 53:10 80:10	94:12 95:4,13,16
little 3:20 36:20	26:15,20 122:18	major 24:22 62:11	83:6 86:18 94:7	96:10,22 97:5,16
40:22 74:20 75:3	129:10 133:2	62:12	McGLASHAN	98:3,6,21 99:3,10
75:21 86:5 97:22	looking 15:7 16:3	majority 5:7	75:8,9 76:18 77:1	101:6 102:16
117:13 122:15	28:20 31:9 55:10	makers 26:9	McGUIRE 86:19	142:2 149:13,21
133:1 137:1	79:5 94:3 107:10	105:20	86:19 87:10 88:9	150:3,6 152:8
141:16 145:13	108:10 120:12	making 20:16 39:4	MCOG 43:7	members 1:14 3:6
live 6:10 37:22	123:12 128:17	52:18,22 54:17	mean 7:15 43:13	50:16 80:5 121:6
47:22 48:20 49:5	136:1,2,4,7,10	59:11 66:5 108:4	51:15 57:1 61:19	128:17 129:17
75:9 106:13 110:5	145:19	108:4	68:17 77:14 78:19	134:17
116:16 127:14	looks 114:18	man 64:19	82:1 89:12 90:9	mention 12:4 81:10

111:11 mentioned 7:2 25:8 27:15 39:21 42:1 70:20 merchants 136:3 137:8 mere 46:21 merely 124:8 merit 26:11 merits 4:8 met 40:5 90:2 methodology 148:12 Metro 29:5 146:9 metropolitan 62:5 63:4 microphone 9:3 mid 18:1 middle 78:10 mike 11:17,21 45:14 52:17 85:21 99:4 100:12 mile 102:14 miles 18:14 73:5 Mill 100:18,19 102:3 Miller 133:19,19 million 17:20 36:6 47:9,9,10 54:7 57:3 94:14 152:11 millions 81:14 mind 26:12 61:16 64:7 127:2 minds 104:14 137:19 minimal 133:13 minutes 11:9 37:9 41:15 73:4 120:6 120:7,9,11 148:6 mirrored 79:9 misnomer 141:16 missed 9:10 Mitchell 145:12,13 146:21 147:2 149:17 150:1,5 mitigate 73:12 mitigation 34:16	36:8 74:6 102:19 mixed 97:22 107:17 mode 33:16 62:22 model 43:7 138:21 moderate 116:13 modest 145:20 momentum 88:20 128:20 Monday 1:8 45:3 money 12:19 22:13 22:17 23:16 35:21 36:2 45:4,6,10 46:4 49:13 50:9 51:11,13 59:7,8,9 59:10,11 61:2,6 61:18 65:9 66:13 69:21 77:11,12 81:7,19 82:4 118:13,17 122:22 123:17 125:14 126:14 129:9 140:4 145:10 147:16 151:1 monies 59:12 Montgomery 32:21 36:4 62:13 84:22 107:7 121:17 130:10 month 33:3 monthly 137:5 months 15:13 135:3 Montrose 111:11 moot 93:21 morning 78:19 148:2 move 8:11 9:12 10:13 33:12 35:4 55:18 57:12 74:22 89:18 90:14 103:2 moved 22:14 23:8,9 32:3 moving 2:15 4:13 22:21 65:3 70:9 92:17 127:8 Mt 118:2	MTA 27:7 28:10 34:4 35:10 58:12 121:9,10 Murtaugh 110:4,5 <hr/> N <hr/> N 3:1 name 11:21 31:2 37:20,21 39:17 47:19,21 75:8 86:18 97:19 110:4 116:15 122:11,12 142:6 143:21 names 37:17 104:4 Naomi 39:19 narrow 18:16 119:14 narrower 84:19 narrows 15:5 National 16:21 17:4 25:20 28:15 30:5 42:9,12 57:20 nature 126:10 Naval 16:21 30:5 42:9,12 57:21 100:2 116:4 Navy 42:2 near 139:3 144:11 necessarily 35:6 63:22 91:6 necessity 138:4 need 8:6,12 9:17 37:2 39:5 48:13 49:3 54:21 55:6 59:2 60:3,4 62:20 66:11,12 74:20 80:7 92:17 107:17 107:21 109:1,3,11 109:12 124:4 127:2,7 130:14 139:10 needed 13:13 36:2 95:12 129:9 130:8 needs 9:19 11:3 29:17 55:7 58:18 109:13 123:11	132:11 neighborhoods 75:14 neighboring 145:6 neighbors 46:19 neither 129:5 NEPA 17:3 69:5,6 71:12 148:13 never 18:11 72:17 113:5 new 11:13 14:10 28:19 29:4,12,15 33:18 35:4,12 56:8 58:8 63:6 64:6,8 66:6 93:17 101:3 106:3,10 109:11 116:4,5 135:18 146:1,10 146:12,17,18 149:20,22 nice 3:13 6:12 109:7 151:20 nicely 7:14 night 62:1 111:6 NIH 28:14 29:17 NIMBY 117:8,10 nine 40:12 44:11,17 119:11 143:11 NNMC 28:16 nodding 9:12 noise 73:15 75:10 75:12,17,18 76:1 76:9,13,16 133:10 noisy 3:20 nonexistent 140:14 nonproprietary 149:7 non-trivial 57:5 north 17:12 58:4 126:8 127:22 Northern 62:8 noted 13:19 14:18 16:19 17:8 notes 10:13 not-in-my-backy... 134:6 November 21:4	number 8:6 14:7 30:12 39:21,22 44:13 46:5 54:6 57:4 83:16 84:11 114:9 146:1 149:20,22 numbers 16:9 22:2 54:7 70:6 71:22 138:20 139:2,7 146:6,8,15 148:17 148:18,19 149:14 numerous 25:9 27:2 <hr/> O <hr/> O 3:1 Oak 44:6 55:20 80:12 92:6 140:1 Oakridge 39:20 oath 145:8 Obama 134:7 object 133:21 objection 110:10 objections 125:17 125:18 139:6 objective 27:1 38:10 123:22 124:1 objectively 26:5 observed 104:17 obstructionism 126:21 obstructionist 129:1 135:22 obstructionists 136:19 obtain 13:14 obtained 30:17 obvious 116:2 obviously 18:13 23:15 50:8 51:16 57:2 58:13 65:3 71:21 74:2 occur 76:11 occurred 81:6 oddly 32:1 offer 11:6 37:11
---	--	--	--	--

75:2 103:12,21 142:9 offered 21:1 112:6 offering 10:21 90:14 offers 103:15 office 30:18 134:20 official 21:3 32:16 officials 19:16 20:12 25:22 58:17 65:12 74:5 123:5 145:3 Off-mike 18:9 41:10 47:6,11 83:17 91:21 97:15 98:20 99:2 146:20 147:1 150:13 oh 38:13 96:10 118:16 138:10 okay 3:3 7:2 9:13 10:1 11:7 12:11 24:3,4 26:12 30:20 32:6 35:3 36:15 37:13,14 51:19 53:15 54:4 55:17 65:2 74:12 76:3,18 83:5,6 86:16 92:4 94:6 94:22 98:3 103:2 114:22 150:6 old 43:6 126:3 128:4 once 31:6 33:14 34:1 45:13,15 65:17 103:13 150:10 ones 27:5 one-quarter 35:22 ongoing 93:16 online 23:5 144:7 open 3:17,18,21 4:1 4:3 57:19 141:8 opened 141:9 operates 150:18 opinion 37:1 75:2 77:10 103:4,8,12 103:15,21 104:10	132:9 134:4 137:18 143:6 opinions 10:21 11:6 37:11 90:14 137:11 opportunity 8:8 37:11 67:14 75:2 103:3,20 138:3 142:17 oppose 116:10 opposed 80:19 106:19 115:18 123:16 143:12 147:11 151:2 opposition 13:10 13:18 113:13 optimize 16:13 28:12 optimized 17:17 option 16:2 72:3 80:15 82:1,5,11 89:12 95:2 108:8 138:1 141:10 options 2:15 41:17 51:4 55:18 57:12 57:16 65:2 82:14 86:21 87:11,12,17 88:1,3 92:22,22 95:17 103:11 128:18 orchestrate 64:20 order 13:1 22:2,17 58:5,8 83:2 146:13,17 orderly 75:4 org 23:7 organization 121:6 141:5 145:15 organizational 5:8 organizations 141:1 organizer 116:17 organizers 134:21 original 19:19 85:5 ostensibly 137:17 outcome 68:15 69:7	outcomes 27:19 124:5 outdated 28:18 outer 147:11 outline 32:11 outlined 32:10 34:14 outrageous 114:18 120:16 outside 14:15 19:4 46:20 60:2,4,5 82:10 116:20 117:15 outstanding 21:14 overall 29:10 55:11 126:21 127:1 140:11 overstated 29:10 overtly 113:8 overview 24:14 owned 96:19 ownership 139:16 139:17 owns 96:4 O'Malley 130:12	107:7 108:4 113:5 151:3,22 partially 144:2 participate 8:8 particular 44:2 56:10 63:7 71:5 79:22 98:10 145:19 147:8 particularly 67:1 144:10 parties 30:4 79:17 79:19 parts 9:5 99:20 party 54:21 pass 75:14 passed 35:8 116:20 passenger 146:12 Pat 9:15 10:4 11:8 11:12 24:15 25:7 37:6 39:20 41:14 44:9 48:1 51:5 74:17 75:18 76:3 82:14 100:16 102:5 140:10 path 119:19,19 143:2,4 paths 144:10 patience 74:13 patients 42:22 116:4 PATRICIA 1:15 Pause 9:22 47:14 pay 22:16 35:20 57:8 paying 45:11 payola 114:21 pedestrian 73:14 119:9,12 penny 77:6 people 3:22 6:13 7:9 8:6 9:5 13:3,9 13:11 17:22 19:8 19:9,11 20:13 31:13 37:11 38:12 39:21,22 40:2 41:5 47:18 51:3 58:13 61:22 81:2	84:11 103:20 106:3,5,20 107:13 107:13 108:15 109:6 110:15 111:12 112:1,1,5 112:5 117:19,22 118:8 119:16 127:8 130:17 131:9 133:2 135:8 135:19,21 136:5 137:6,13,13 139:5 140:15 142:18 143:9,10,12,14 144:15 146:4 149:16 150:22 151:5,13 people's 104:14 133:13 percent 17:11 56:9 117:14,20,21 period 33:1 34:22 74:16 135:14 permits 34:16 person 13:19 60:9 personal 143:5 personally 52:14 110:7 140:20 141:2 perspective 127:13 128:7 137:2 Peter 128:11 142:3 142:4 petition 40:1 116:17 117:9,13 phase 34:8 Phil 6:1,7 Philip 1:19 5:3 phone 7:1 phones 8:9 Ph.D 5:20 picture 130:6 piece 31:16 89:11 89:11 pieces 74:14 102:5 102:12 place 41:5 58:22 59:22 111:3
P				
P 3:1 PAC 134:12 135:2 package 33:18 page 2:2 23:8 152:1 pages 22:6 paid 82:22 137:21 Pam 116:15 150:9 paper 25:3 parallel 42:1 Pardon 146:22 park 27:12 106:15 107:12,12 112:10 118:2 parkland 111:17 Parkway 111:11 part 8:4 12:7 17:5 17:7 19:20 20:6 40:14 42:15 53:1 55:9 80:1,5 82:14 96:18 106:22,22				

128:12 133:10,20 139:19 placeholder 90:22 places 92:8 119:3 120:15 126:9 141:13 placing 132:7 plain 24:6 108:12 plan 84:10,12 116:11 131:20 132:1 135:15 145:9 planned 49:10 116:1 121:7 planners 88:7 planning 5:8 11:15 23:12 31:5 62:6 130:9 plans 42:4 52:16 plant 63:20 planted 97:8 plantings 86:4 138:12,15 Plaza 29:8 please 9:21 12:6 24:2 37:7 39:18 47:20 49:4 51:20 75:7 81:20 86:18 97:19 103:14,17 117:3 pleasure 140:1 pledges 121:22 plenty 126:9 138:12 plus 141:20 podium 8:21 9:1 37:7 point 36:22 38:2 39:8 46:10 48:17 57:4 59:17 101:14 101:18 109:22 120:19 122:22 124:17,21 125:16 125:22 131:11,16 140:21 141:11 151:21 pointed 28:22	points 4:16 73:13 88:14,22 136:15 137:7,10 140:7 152:5 policy 25:20 132:3 134:14 political 5:20 87:6 87:7 88:19 89:11 89:21 105:13 106:7 107:18 110:21,22 112:9 113:2,7 124:19 131:6,12 136:11 138:1 142:17 politically 131:8,22 132:1 politicians 87:15 104:22 114:22 121:22 125:8,9 politicking 87:3 ponder 110:11 pool 111:5,9 popular 117:22 population 28:19 Porcari 64:16 portion 36:4 48:13 61:1,17,18 81:21 94:16 portions 68:6 84:20 98:19 pose 48:8 75:6 posed 21:15 80:3 position 6:9 15:20 51:3 65:10,16 133:20 143:17 144:3 positions 135:3 positive 34:3 35:16 72:15 possibility 60:19 61:17 82:3 89:13 90:18 138:3 possible 25:7 70:22 71:2 92:10 102:2 124:2 133:14 142:21 143:15 144:9	possibly 107:19 post 47:7 49:16,18 50:3 117:6 143:11 potential 4:13 16:18 27:16 54:9 61:13 92:22 95:20 potentially 54:12 power 77:16 139:18 powerful 32:3,5 powers 89:12,15 142:11 preference 134:3 preferred 32:16 33:15,19 34:1 65:14,20 66:4 91:11 101:20,20 101:22 137:18 preliminary 34:5,7 prepare 21:8 104:11 prepared 34:11 prerogative 33:12 present 1:14,20 113:4 presentation 15:17 38:1 53:3 presentations 10:16 11:8 presented 15:13 preserve 11:4 preserving 144:3 presiding 1:13 press 121:5 pressure 107:18 Presumably 98:1 pretty 14:2,16 77:15 86:11 130:21 prevent 132:16 previous 32:4 112:17 previously 140:2 price 18:5 primarily 21:21 76:10 primary 115:11	122:14 Prince 61:6,8,13 98:13 130:10 principal 139:13 private 49:19 129:19 privilege 31:11 pro 14:11 21:1 38:4 probability 124:4 probably 34:21 40:11 60:1 66:11 84:9 102:1 109:4 112:8 140:12,13 141:5 problem 63:10 problems 15:9 60:11 79:8 104:20 105:10,11 110:6 129:5 proceed 35:11 53:18 68:5 91:6 proceeding 152:16 process 17:3 19:21 20:19 22:7 24:15 24:16 25:19 32:12 34:20 35:9,13 38:11 55:10,15 64:10 67:7,11 69:5,6,9 71:12 80:1 88:19 90:1,5 124:11 125:18 133:22 135:13 136:1 148:21,21 processes 56:8 produced 23:4,5,14 115:2 146:16 professional 134:21 professionals 134:22 professor 31:10 program 35:13 56:9 66:6 74:15 progress 64:7 142:17 project 4:6 17:2 19:18 23:18 24:17	25:1 29:5,13 32:19 34:2 35:5 35:20 38:18 40:3 43:17 46:7 56:10 61:1,3,6 68:5 93:18 101:17 104:17,21 106:3 118:22 125:6,14 125:22 126:18,22 127:2,5 129:4 130:1,7 145:20 147:21 projected 42:13 146:11 projections 13:7 projects 30:10 33:6 33:13 35:8,18 36:3,5 39:3 56:12 59:12 promise 144:12 promised 128:1,5 promoting 95:3 proper 113:5 properly 42:20 69:10 properties 133:6,7 133:13 property 60:3 86:13 127:16 128:3 143:22 148:8 proportional 57:3 proposal 13:12 73:21 proposals 58:1 proposed 6:15,16 13:8,21 15:2 26:8 32:17,20 40:22 41:1 43:17 83:10 84:21 132:7 proposing 62:7,10 proposition 87:1 123:6 proprietary 21:19 149:4,6 protect 75:21 Protection 17:4
---	---	--	---	--

protections 133:10	139:10 143:15	questioning 43:2	126:3	114:13
protective 86:4	purpose 4:4 25:3	questions 2:13,17	railway 96:15	really 3:8,17 4:6,8
protest 113:9	25:19 51:15	4:16,20 9:7 10:19	raise 4:20 57:17	8:12 46:2 50:15
protesting 120:17	pursue 50:18 70:19	10:20 11:10 12:6	72:9 118:13	53:8 55:11 60:22
provable 68:11	71:20 93:7 129:17	12:18 21:15 24:1	126:21	62:20 69:15 72:19
prove 68:11	131:4,14 134:11	36:16,21 37:1,8	raised 2:7 10:8	74:7 78:17 80:19
provide 4:5,9 22:17	134:18 135:3	37:10 40:17 41:8	42:2 43:11 44:3	97:12 110:18
42:8,11 65:22	pursuing 132:3	41:18 42:1 44:7	61:8 67:18 69:15	122:16,18 123:22
103:4	138:1	47:16 51:20 53:17	71:14 88:14	124:9,13,18
provided 21:17	push 60:16 109:15	55:11 57:14 74:18	110:10 125:17	129:11 130:7,14
85:10	pushing 73:16	75:6 83:6 103:8	137:20 138:19	130:16 132:14
provides 62:18	put 12:14 20:8	113:13 122:6	raising 20:14 65:12	140:18 143:3
providing 21:2	38:21 41:12 73:20	quick 85:4 140:7	rally 22:15	150:17 151:14
62:19	78:16 81:3 88:21	150:16	ramp 73:1,1	reason 16:15 17:15
pro-transit 39:1	91:15 102:5,19	quicker 62:18,19	ramping 59:21	38:7 47:18 51:2
pseudo 140:22	103:5 107:14	102:8	ramps 58:6 73:9	59:16 62:15 87:2
public 4:7 5:10,12	110:8 117:4 119:4	quickly 14:16 15:8	ran 16:7	104:12,20 105:9
5:16 12:7 13:1	119:13 123:16	92:19 111:11	range 23:12 31:5	113:11 127:21
15:12 16:17 20:9	133:9,12 146:3	quiet 7:1 8:9	107:22 108:9,11	reasons 49:15 64:4
22:4 25:22 26:4	148:20	quite 8:22 20:5	rapid 14:20 15:22	70:4 81:13 92:15
26:10 32:22 34:22	putting 21:7 58:22	76:7 139:1,3	16:6 18:10,11	92:19 149:6
50:5 51:7 55:15	71:6 145:4	146:10	27:19 39:2 40:18	recalling 84:10
68:18 69:13 85:20	p.m 1:10 3:2	quote 25:15 38:3	41:8 44:20 45:7	receive 35:6,7
88:17 92:16 93:3	152:15	44:13	62:7,14 63:1 76:9	received 5:18,20
108:2 113:3,16	Q	quoted 25:2	95:1,12,21 96:7	19:4 21:16 22:6
115:8 128:14		quoting 146:6	99:11,17,18 100:7	26:14 52:12 90:7
152:10,11			108:19 109:8,16	143:11
published 26:13	quality 26:2 60:7	R	115:22 123:8	receives 24:17
pull 66:11 148:19	133:14 135:11	R 3:1	128:18 132:7	recirculate 68:18
pulled 148:17	query 103:6	rail 17:21 18:1,12	146:11	recognize 28:13
pure 39:7	question 11:3 37:6	25:9 29:1,6 33:16	rates 34:1	103:18 126:6
Purple 1:5 3:5 4:5	37:14 38:1,8,16	39:2 43:19 45:7	rating 34:3	recognized 14:14
6:10 10:5 11:16	39:16 41:22 43:11	56:4,15 61:10,11	react 66:3 72:19	88:14
13:3,8,12 14:12	45:2 48:1,16	62:22 63:3,14	reaction 40:18	recognizes 141:20
27:10 32:17 33:6	50:10 52:4 54:5	69:20 75:13 76:2	reactions 10:18	recommend 142:10
33:12,15,19 35:11	54:16,18,19,19,20	76:8 77:18 83:10	152:3	recommendation
36:5 56:3 61:11	55:18 59:13 74:16	84:1 88:20 89:18	read 49:16 52:14	52:19
61:19 62:21 64:4	74:17,21 75:6,11	94:11 96:21,22	132:10	recommended 34:3
64:11,21 65:7	76:22 77:4,12	97:4 98:9,14,18	reading 30:16 62:2	102:7
66:5 71:6 72:13	78:6 80:4,4 81:16	99:9 100:10	real 16:1 31:11	record 9:4 12:7
84:21 103:9	84:8 86:1 87:9,10	104:18 115:19	51:22 52:1 53:5	34:18,20 35:1,17
104:18 108:1	90:13,17 91:13	119:4 122:5 123:9	70:3 77:12 107:16	37:19 45:13,15
113:4,9 115:17	92:7 93:20 97:11	128:19,21 136:12	120:1 132:16	47:16 53:1 66:1
118:22 121:1,2,20	98:5,7 99:6 103:5	140:16 141:2,10	realistic 77:18	85:21 91:19 92:1
122:3 123:9 130:6	137:21 138:19	146:3,21,22 147:9	realistically 123:13	99:5
130:18 133:21	150:9	147:10	reality 59:6	Recreation 1:12
137:4 138:7	questioned 13:6	railroad 119:12	realize 112:2	Red 33:7,8 97:20
	30:6			

108:6 109:21 133:21 147:12 redo 68:6,14 149:7 redundant 140:4 Reed 16:20 28:16 57:19,20 reflect 42:17 reflected 44:2 reflects 103:16 regard 26:16 regarding 15:18 43:10 54:5 65:18 65:18 regardless 63:15 region 62:5 127:7,9 130:8 135:16 141:21 regional 113:6 130:7 regionwide 128:21 regular 16:8 19:20 119:17 rejected 85:9 relate 6:19 related 7:14 21:14 140:21 relates 38:1 43:5 relating 27:15 relations 113:3,17 relative 10:5 release 13:20 21:20 34:22 released 24:20 25:2 66:2 67:3 148:12 relocation 16:20 28:16 relocations 29:14 rely 108:15 remain 18:18 remains 33:11 remanded 68:16 remember 36:21 40:11 83:16 106:3 106:17 111:3 115:11 121:4 reminder 47:15 remove 113:12	removed 63:15 118:6 render 137:18 repeat 83:20 140:5 repeatedly 140:7 replant 100:9 report 76:17,21 85:10 93:13 reports 20:3,5 46:5 request 10:18 34:5 48:3 66:22 85:1 requested 16:12 21:10 22:3,18 30:8 requests 21:12 require 7:16 44:7 63:9,20 required 16:14 24:16 25:13 27:5 28:5 34:16 151:8 requirement 29:22 requires 7:16 87:7 research 52:2 84:16 reserve 90:15 reserves 55:4,5,8 70:18 81:9 resident 2:13,17,20 4:15,17 8:1 60:2 122:16 134:4 residents 4:22 8:16 8:19 13:1 22:22 30:13 40:13,14 56:20,21 57:1 72:16 81:1 127:9 134:15 137:9 resource 34:16 resources 55:3 respect 8:6 46:10 123:6 respectful 7:16 respectfully 8:4 respond 20:4 responded 20:4 responding 91:12 response 22:5 40:15 48:3 66:21	84:22 103:7 responses 34:13 44:8 81:16 responsibility 8:10 151:22 responsible 141:6,7 responsibly 51:17 rest 82:19 restaurants 109:5 result 38:9 68:14 129:1,2 results 42:15 126:16 143:18 resurgence 42:3 retain 20:18 retaining 14:5 59:19 73:9 111:16 133:12 rethink 145:9 retired 5:4 retrograde 119:1 review 2:4,6,9 4:10 4:11 10:4,7,10 21:7 25:19 32:8 34:17,19 115:5 reviewed 15:11 40:8 reviewers 26:9 reviewing 14:17 15:21 revised 20:8 35:14 RFP 14:7 ridden 100:19 ride 107:13 rider 21:21,22 25:12 30:6 42:19 48:5,6 67:2 109:17,19,22 138:20 146:10,17 146:18 148:13,22 149:14,18 riders 18:4,6 85:4 146:1 149:20,22 ridership 13:6 Ridge 44:6 55:20 80:12 92:6 94:9 130:5 140:1	Ridgewood 83:8 right 9:14 11:7 12:11 15:5,15 17:12 18:16 22:11 23:7,13 32:13 38:19,20 41:5,11 43:18 56:7,17 60:2,4,5 63:16 69:11,14,18 70:6 73:6 75:11 77:1 82:4 83:22 84:3 84:18,19 85:15,17 86:6 88:2,18 89:2 89:5 91:20 93:6 94:11,11,18,19 95:1,5,9,11,12 96:1,4,11,18 97:3 97:4 98:11,21,22 99:21 101:13 104:7 105:20 107:11 119:4,14 141:12,12 147:22 149:21 rigorous 26:5 148:21 risk 127:20 Riviera 86:12 RIZZI 1:22 road 14:18 15:4,22 17:10 18:12 25:8 27:19,21 28:6,11 39:6 40:3,6,13,14 40:20 41:2,6,21 42:14 44:11 58:2 58:14 59:4 67:20 68:22 69:3,12 70:7 71:8 95:6,7 95:11,15,18,21 96:5,8 97:4 99:22 100:1,2,18,19 102:3,4,10,20,21 108:17 111:14,15 112:17 120:2 126:2 127:15,17 132:9 roads 39:12,14 79:10 108:16	146:12 roadway 58:8 roadways 62:11,12 roam 126:10 Robert 114:11 rock 27:11 41:4 43:15 141:9 151:12 ROD 35:1 67:13,22 Roger 145:12 role 6:8 Rolf 41:20 112:16 Rood 135:7,7 room 3:12 9:6 23:19 107:14 Rose 133:19 Rosemary 86:20 rough 70:15 roughly 146:7 route 27:10 28:12 98:15 99:20 100:4 102:6,8,18 119:20 122:1 124:14 128:2,4 routes 13:5 25:7 109:9 routing 98:19 102:20 Roy 143:21,22 rule 7:18 8:14 79:20 rules 6:16,20,22,22 7:9 9:8 121:17 run 28:1 43:16 108:15,18 109:17 124:8 126:4 129:5 running 16:8 138:7 148:2 rush 17:12 148:2
<hr/> S <hr/>				
S 3:1 sacrificed 151:16 sacrifices 127:11 safe 72:15 safeguards 133:9 safer 119:3				

safety 118:22	Secondly 22:3 59:5 60:20	share 4:21 56:2 57:2,3 115:18 119:5	137:9	sore 113:13
Saggese 55:19,19 56:14,22	secretary 1:15 64:15,16,17	she'll 87:20	SILVERSTONE 1:21	sorry 46:22 83:19 119:11
salient 152:4	section 73:6,7	ship 21:22,22 25:12 30:7 42:19 48:5,6 67:2 109:17,19,22 138:20 148:13,22 149:14,18	similar 30:14 43:8	sort 32:10 35:17 54:14 90:21 92:6
Saltzman's 119:17	see 6:12 7:10 9:12 21:2 23:12 39:5 41:7 61:5 66:8 70:2,4,7 72:22 75:22 77:6 88:9 89:22 105:9 133:4 133:5 145:7 151:12	shocking 32:7	simple 145:21	sorts 112:7
Sam 14:9,9 19:13 27:4 40:5 66:11 66:16	seeing 79:8	shoo-in 115:16	simply 109:8 114:1 126:19 135:17	sound 88:4
sample 103:19 117:13	seeking 113:17	Shore 5:16	Sinclair 41:20,20 43:20 112:16,16	sources 82:15
sanctioned 119:19 120:14	seeks 25:1	short 58:21 89:22 108:11,18	single 84:12,17 85:6 107:4,9 141:5	south 126:11
sandwiched 102:13	seen 47:13 59:19,20 59:21 72:17,20 75:15 113:7 128:22 144:7	shortest 119:20	sir 37:13 41:19 44:4 75:7 77:2 104:5 122:11 125:1 128:10	souvenir 31:22
sausage 150:17	segment 149:19	shortly 34:21 123:3	sitting 75:20 78:7	space 73:12 83:19 107:7
save 18:14 81:2 90:8 98:1 116:17	segments 149:18	shot 65:4	situation 7:7 89:14 129:8	spare 65:6
saved 71:9 80:18	selected 26:18	shoulder 118:17	sit 12:9	speak 8:16 9:3 10:10 13:2 31:11 35:14 49:3 99:4 103:13
saw 15:9 46:20	selection 26:19 115:19	shove 60:16	site 95:20	speaker 112:18
saying 13:12 18:5 38:20 79:15 82:21 85:21 90:5,20 93:15 97:2 123:16 130:17 131:7	self 136:13,18	show 73:8 119:22	sited 95:20	speakers 8:3 10:2,3 24:2 36:12 50:13
says 24:7 45:4 46:11 59:9 65:13 66:15 147:13	Senator 45:2 46:2	showed 143:19	six 25:5 58:7 98:7 120:6,9 148:6	speaking 9:5
scares 118:8	send 33:10 152:13	showing 110:12	sixteen 102:14	specialist 5:6
scenarios 71:1,2	sense 16:10 70:8 72:5 90:21 108:20	shown 73:1	Sixty-six 83:21	specific 2:6 10:8 30:1 57:16 72:17
schedule 2:11 4:12 4:12 10:11 32:9 108:15	sent 49:7,17,18,19 50:3 117:7	shows 58:15 119:22	skewed 131:22	Specter 53:11,11 53:15,16 54:4
school 17:13 58:4 115:13 119:5,6 139:13	separately 52:8	shrubs 138:15	slapped 111:14	spend 65:8 81:21 82:4 120:22 122:21 140:3 145:10 147:17,19 151:1
Schwartz 14:9,9 27:4 40:5 66:11 66:16	separation 73:13	side 31:16 58:3 80:18 84:2 86:13 86:14 106:5 112:6	slight 124:11	speaking 9:5
science 5:20	series 10:2	sidewalk 95:6 96:3 96:5	slightly 25:10,11	specialist 5:6
scientific 26:3 103:19	serve 17:21 127:6	Sidley 20:22	Sligo 112:10	specific 2:6 10:8 30:1 57:16 72:17
screeching 76:10	serves 132:11 135:16	sign 117:19 121:22 122:8 149:2	slow 101:11 102:6 102:11,17 138:5	Specter 53:11,11 53:15,16 54:4
scrutiny 26:4	service 28:14 108:13 109:9,15 109:16	signatures 13:16 90:8 117:2,13	slower 16:7	spend 65:8 81:21 82:4 120:22 122:21 140:3 145:10 147:17,19 151:1
seamless 108:5,5 109:20	session 4:9 50:4	signed 40:1 81:2	small 73:6 84:2	spending 77:11 126:14 151:1
search 144:17	set 6:15 25:13 27:3 28:9 32:5 57:19 72:22	significant 26:21 28:1 55:5	smart 128:15	spends 81:19 147:16
seasons 31:14	shade 118:6	significantly 135:12	smarter 140:19	spent 12:19 19:3 22:9,11,12 23:16 23:18,19 49:9,13 51:12 69:21 77:6 81:7,8 121:12 125:14,15 129:9
seats 12:8	shape 124:2 141:7	signing 117:1,3	smiles 113:10	sphere 105:13
		Silver 94:14 96:12 96:16,19 99:20 100:20 101:3,9,13 102:7,9,11,18 104:18 112:6 135:17 136:6	software 149:7	spitting 110:8
			Solomon 97:20,20 99:6 114:5,5	split 94:19
			solutions 58:19	spoke 13:3,9 37:6 62:1 131:18 141:2 142:15,15
			solved 110:22	
			somebody 11:19 23:9 72:4 117:8 137:20 150:12	
			soon 70:3	

spoken 39:21 103:14 143:10 150:10	65:17 66:15,21 69:1 70:5 72:5 73:17 75:16 76:12 84:16 85:10 94:5 95:4,7 96:4,13,14 96:20 97:18 98:9 101:16 105:8 115:2,15 116:8 123:5 129:13 131:17,21 134:9 135:14 138:17 139:9 145:7	strategy 107:17 street 36:7 48:21 49:6 52:1 53:12 53:16 54:11 75:9 86:20 90:17 94:9 97:21 104:7,8 106:13 111:13 114:6 116:16 122:13,13 130:5 131:3 135:8 136:22 143:22 145:13	submits 33:17 submitted 13:17 24:9 34:14 40:9 52:5 68:1 substantial 26:7 68:16 123:11 substantially 126:18 subway 144:1 subways 63:1 succeed 112:14 success 77:13 124:5 successful 68:4 79:1 succinctly 24:6 sue 66:19 67:16 68:20 69:9 89:19 89:19 104:11 suffer 73:15 sufficient 43:12 66:17 sufficiently 108:21 134:16 suggest 7:18 103:6 suggested 8:15 suggestions 87:21 suit 45:17 72:4 74:8 83:2 86:22 89:13 90:19,21 91:1,7 91:16,18 suits 66:20,20 87:13,14 summary 52:15 152:1 summer 31:13 sums 129:10 supplemental 29:11 supply 44:20 support 13:4 14:2 71:3 72:6 106:8 107:19 110:15 116:21,21 118:10 130:18 134:12 supporting 13:16 110:21 134:3 141:2	supports 123:8 suppose 89:20 supposed 32:22 105:17 137:17 supposedly 115:2 sure 18:22 20:21 42:7 52:13 55:14 80:7 81:20 90:9 90:15 106:1,2 120:11 133:9 139:1,3 147:16 surprised 115:20 survey 34:9 Susan 80:11 suspect 114:21 swath 111:16 switch 60:14 system 16:6 18:19 32:4,5,20 118:19 119:6 146:9,11 systems 118:12 145:18
squeezing 85:16 SSE 15:21 20:6 21:5 22:11,21 73:20 STA 34:6 staff 1:20 134:17 135:2 stage 35:9 stand 3:8 12:5 standard 68:12 standards 35:15 standing 115:14 stands 113:12 start 6:14 12:3,10 24:14 45:11 58:20 61:4 79:12 104:4 started 12:21 14:17 29:13 30:3 88:3 121:2 135:2 starts 33:18 35:5 35:12 56:8 66:6 93:18 state 2:9 4:11,12 10:11 11:20 15:2 15:11 16:2,3,12 18:11 20:1,3,3,6,8 20:18 21:13,15 22:4,7,17 23:5 24:20 25:6 26:13 26:16 29:21 32:9 33:5,17 35:19 37:16,17 42:4,17 45:6 48:2 50:20 50:21 56:2 57:21 58:10,12,16 59:9 59:15,19 63:5,8 63:16 64:1 65:13	stated 29:2 39:1 48:2 81:13 statement 12:15 17:1,7,8 20:17 24:9,18,19 25:4 34:9 52:13 65:22 67:22 91:3 92:3 115:3 states 39:3 64:18 statewide 128:20 state's 13:7 14:6,17 17:22 26:21 30:7 32:16 71:11 79:9 91:12 95:22 station 99:16 116:5 121:8,11,13,16 stations 110:14 121:19 station/Metro 99:16 Stay 8:9 step 105:14 130:14 steps 4:14 65:19 79:2 91:12 stick 150:19 stimulus 59:11 stop 65:3 77:7 80:20 142:21 143:15 stopped 77:19 106:8,9 storm 31:19 storms 55:9 story 115:7,9 strategic 5:8	streets 101:12 strength 71:22 strive 134:8,9 Strom 1:12,15 3:3 3:5 6:6 10:6 24:4 24:5 37:18 46:1 48:15 49:14 50:2 50:14 51:13 52:10 55:16 82:13 84:7 88:2,11 90:2,7 93:5 98:5,16 99:8 strong 129:15 strongest 112:8 strongly 39:4 64:20 113:18 115:18,20 129:20 141:10,19 struggle 77:10 students 73:3 studied 85:9 108:21 study 13:13,16,21 13:21 27:4 29:19 30:7 34:9 38:10 42:15 85:1 110:12 113:1,6 122:1 135:12 148:13 stuff 48:12 149:4 stupid 69:1 116:10 subdivision 144:18 subject 148:20 submission 29:21 submissions 4:11 38:22 submit 34:5 47:13 140:9	submit 33:17 24:9 34:14 40:9 52:5 68:1 substantial 26:7 68:16 123:11 substantially 126:18 subway 144:1 subways 63:1 succeed 112:14 success 77:13 124:5 successful 68:4 79:1 succinctly 24:6 sue 66:19 67:16 68:20 69:9 89:19 89:19 104:11 suffer 73:15 sufficient 43:12 66:17 sufficiently 108:21 134:16 suggest 7:18 103:6 suggested 8:15 suggestions 87:21 suit 45:17 72:4 74:8 83:2 86:22 89:13 90:19,21 91:1,7 91:16,18 suits 66:20,20 87:13,14 summary 52:15 152:1 summer 31:13 sums 129:10 supplemental 29:11 supply 44:20 support 13:4 14:2 71:3 72:6 106:8 107:19 110:15 116:21,21 118:10 130:18 134:12 supporting 13:16 110:21 134:3 141:2	supports 123:8 suppose 89:20 supposed 32:22 105:17 137:17 supposedly 115:2 sure 18:22 20:21 42:7 52:13 55:14 80:7 81:20 90:9 90:15 106:1,2 120:11 133:9 139:1,3 147:16 surprised 115:20 survey 34:9 Susan 80:11 suspect 114:21 swath 111:16 switch 60:14 system 16:6 18:19 32:4,5,20 118:19 119:6 146:9,11 systems 118:12 145:18
T				
t 10:16				
table 65:1 115:12				
tactic 124:9				
Tad 32:10				
take 10:12 16:12 36:15,20 37:9 51:20 59:22 60:5 64:13 68:16 70:5 70:11 72:10 87:13 90:12 98:15 99:1 99:19 102:8,17 111:3 116:22 124:6 129:13 131:17,20 136:7 139:16,17 143:17 145:8 149:19 150:9				
taken 22:13 42:20 79:2,6 146:2,12				
takes 70:2				
talk 4:13 10:7 48:11 51:6 54:11 55:20 56:10 60:21				

61:3 72:12 75:3 103:17 127:5 135:21 147:4 150:11,22 talked 46:6 62:14 62:16 75:18 talking 30:9 58:2,5 58:6,22 59:11 60:8,9 67:1 85:19 90:18 117:17 123:1 143:9 151:13 talks 102:6 tap 118:17 taping 85:21 targeted 13:22 Tarrytown 41:21 112:17 task 152:2 tax 36:1 118:12 taxing 118:18 taxpayers 55:22 56:2,16 57:8 Tea 19:6 tearing 107:15 111:13 tears 31:13 technical 24:12 76:17 88:3 technically 53:2 technological 73:16 technologies 64:6 64:12 technology 63:7 tell 23:17 52:18 77:15 106:2 117:10 118:14 120:1,5,6,20 121:3 139:10 148:16 tells 30:21 tenure 105:16 term 38:4 58:19,21 136:16 terminus 115:22 terms 15:10 25:7 27:13 71:11 79:4	79:7 107:22 108:1 109:1 133:11 150:18 terrible 55:8 thank 6:2 30:19 31:14 34:9 36:11 36:12 39:15 43:20 48:18 51:19 53:9 57:10,11 74:10,12 76:18 78:3 80:9 81:15 83:5 86:17 92:4 97:10 101:5 103:1 106:11 110:3 112:15 114:3,4 116:14 122:9,10 124:22 128:9 130:2,3 131:1 133:18 135:6 136:20 139:21 142:1,5 143:20 145:11 150:8 151:17,18 151:19 152:6,13 thanks 12:2 themes 140:8 thing 28:22 32:14 50:2 61:15,21 72:11 82:7 84:8 85:12 87:5 104:13 105:10,14 106:1,2 107:10 109:7,12 110:11 119:1 133:3 138:14 142:9 143:8 148:10,16 149:10 things 12:20 23:20 44:3 48:13 54:1 58:20,21 64:7,10 68:11 70:21 72:14 73:10,11 81:19 91:4 101:7 114:9 117:5 133:11 134:11 138:5 144:4 147:4 think 3:19 6:1 12:17 18:3,4 23:2 26:10 38:4 43:4	44:7,17 46:3,5,7 51:17 52:3,11,15 56:7 57:1 75:19 76:7 78:5,6,15 79:3,11 80:4 81:7 81:7,9,10 84:4 87:6,13 88:2,7,21 89:1,5 93:2,5,14 93:19 96:2 102:12 103:5 104:3 107:17 108:2 109:12 110:1,7,18 110:21 113:11,19 114:17 115:3 118:16,22 119:13 124:20 125:15,16 125:20 126:14,19 128:6,19,21 129:7 129:8,21 130:14 131:8,17 132:21 132:21 135:9 136:15 138:2 139:8,15 140:2,18 140:19,20 142:8 142:14 143:18 144:15 145:1,5 147:5 151:13 thinking 38:18 79:14 87:4 103:16 125:5 151:4 third 62:22 Thirdly 46:18 Thornapple 48:21 49:6 thorough 52:2 thought 7:10 17:15 18:7 20:11 44:14 64:2 80:14 105:7 108:3 118:4,7 thoughts 13:2 threats 145:8 three 10:2,3,16 11:8 15:12 24:1 33:5 36:2 44:6 51:20 73:4 98:9 98:17 99:8,11 120:7,11	threes 97:6 thumb 113:13 time 4:15,17 7:1,10 7:22 10:15,17,20 10:22 11:5 15:16 29:9 32:19 36:12 36:16,18,20 65:6 68:17 70:2 84:14 89:22 90:15 91:15 103:11,15 105:2 106:16 109:12,18 113:20 117:20 119:8,15,18 120:20 122:22 125:5 132:13 134:17 137:22 138:16 144:1 148:5 timeframe 30:2 timely 8:12 times 29:11 60:15 152:11 timing 67:9 tires 76:10,11 today 12:13 33:9 78:7 told 33:5 47:8 138:6,10 149:1 tonight 4:6 5:1 6:8 6:13 7:21 31:12 32:8 35:3 48:11 49:22 50:11,22 92:20 131:15 135:8 152:9 tonight's 4:4 tons 105:3 tool 136:17 top 19:18 total 22:9 44:10 totally 54:16 107:10 138:17 141:17 tough 60:14 tour 19:13 town 1:1,3,11 2:6 8:17 10:5,8 11:13 12:18,22 13:5,10	13:13,21 14:5 15:14 16:11 19:2 19:3 21:4 22:16 22:22 23:3,6 29:7 30:18 31:3,18 34:14 46:19 48:3 48:8 49:17,20 50:1,3,5,6 55:7,22 56:2,21 65:22 68:3 72:1 80:2,21 81:7 83:3 84:18 89:3 92:11 93:11 95:2 98:17 103:9 104:10 106:20 107:1,20 113:11 113:15 116:21 117:18 122:16 123:12 126:4 128:16,22 129:7 129:12,16,17,21 130:5 131:3 132:14 133:4,15 134:1,5,5,9,20 136:10 138:9 139:15,16,17 140:3 141:13 142:7,9,10,21 143:1,8,9,12,14 143:17 144:11,22 145:2 147:10 townwide 144:15 town's 2:4,15 4:10 4:11 11:14 21:3 23:1 65:10 70:19 95:20 131:11 134:14 track 83:11,11 84:1 84:12,17 85:6,13 85:22 86:5 107:4 107:9 119:14 121:21 tracks 119:12 traffic 16:8,18 17:9 39:7 42:14,18 99:15 trafficked 127:15 127:17
---	---	---	--	---

tragedy 107:16	122:4 128:14,18	72:14 73:17	84:21 92:21	Veda 136:21
trail 13:4 15:3	129:2 132:7,10	124:13 131:21	undertake 72:1	vehicles 64:3
18:14,19,21,22	141:22 145:15,17	132:15 140:13	undertaking 54:13	ventilation 3:14
19:10,12,14 22:15	145:18 146:3,11	145:7	Underwood 136:22	Vernon 118:2
27:14 28:5 29:2	146:19 147:4,6,7	trying 78:22 80:5	unfavorable 51:2	versus 57:6,7
36:8 59:16 60:11	147:14,14,18	92:20 113:11	unfold 104:13	133:21
60:15,17,19 63:14	148:7	tunnel 18:17 29:5,6	unfortunately 16:3	viable 13:17 16:1
71:7,9 72:12,13	transition 36:18	60:12 85:17 141:8	92:16 112:19	62:4,18
72:15 73:14 76:14	transit-granted	tunneled 108:7,8	118:10	view 26:22 29:10
80:17 81:1,2	27:9	tunneling 98:22	uniformity 113:10	39:8 46:10 89:1
85:19 86:2,6	transparent 26:19	108:3 109:20	unit 3:11	126:12 131:11
88:20 89:7 90:8	transport 128:14	turn 9:15 19:9 36:9	United 64:18	137:7
94:10,17,20 98:1	transportation	113:11 118:16	University 5:5	viewed 135:22
98:2,18 99:13,14	14:8 24:22 28:18	turned 138:22	114:12	Virginia 62:8
100:6,19 101:1	28:21 52:17 59:12	146:13	unsanctioned	117:19,21
105:12 106:14,15	62:6 64:16,17	turning 76:11	120:14	visit 23:1
107:2,4,11 115:20	88:5,7 101:17	turns 75:11 99:22	untouched 18:18	visitors 8:17 42:21
116:18 117:12,21	109:3 113:1,1,6	Twenty 117:20	upcoming 2:9	116:3
119:1 122:5 124:2	127:6 140:16	two 4:16 18:14	10:11 32:9	vis-a-vis 134:9
126:6 127:22	transway 84:3	21:10,11 33:13	updated 43:6	voice 45:18 79:18
128:13 133:7,8	travel 148:4,5	44:2 50:9 53:17	upset 118:4	96:21 123:15
138:9 141:4,6,11	travels 101:9	74:14 77:4 83:11	upstate 135:19	Volmer 106:12,12
141:17,20 142:8	travesty 132:16	83:12 85:13 90:13	urge 113:15 124:12	106:17
142:12 144:4,6,8	Treasurer 1:16	99:12 102:13	131:3,13 148:9	volume 42:18,21
144:10 151:7,9,10	treat 26:22	108:5 109:21	149:11	volunteer 23:17
train 86:6 92:17	treatment 26:7	119:5 120:7	use 28:17 70:6	vote 123:19
107:4,5,14 123:18	tree 31:21	134:17 136:15	73:17 99:12 100:6	voted 84:15 123:6,8
128:1,2,4 133:8	trees 60:3 63:11,15	137:3 150:16	108:16,16 116:9	144:2
144:13,16	63:21 97:7,7	152:1	118:1 120:18	votes 123:7
trains 60:12,13	100:9 107:15	types 39:13 63:7	user 128:13	
63:7,9 73:4 75:13	111:17,18,19	73:11	users 72:16	<hr/> W <hr/>
75:13 119:11,14	118:5 138:11		uses 73:13 117:11	wait 13:19 45:22
120:4,9	144:14		usually 3:7 31:12	61:5 150:11
transit 14:11,20	tremendous 116:2	<hr/> U <hr/>	81:12 105:17	waiting 34:22
16:6 18:11,11,19	trestle 141:9	ultimately 14:8		walk 12:12 106:14
27:20 32:20 33:2	151:11	35:17 68:3 82:2,3	<hr/> V <hr/>	107:13 119:17
33:5,7,17,20 34:4	tributary 27:11	112:13 135:9	vacant 5:13	126:10 143:4
38:4 39:2,4,10,13	tried 23:1 111:8	unanimous 14:2	valid 50:19	151:7,10
40:18,20 41:8,13	triggered 16:9	123:7	Valley 133:20	walking 59:16
44:20 45:7 62:2,8	trip 102:11	uncertainties 94:2	values 144:14	wall 75:19
62:14,19 63:2,19	trouble 33:9	3:21	148:8	walls 59:20 73:9
76:9 94:18 95:2	troubling 130:21	underground	variety 12:20 41:6	111:16 133:12
95:12,21 96:8	true 19:12	109:20	44:10 64:3 71:19	Walter 16:20 28:16
99:11,17,19 100:7	truly 38:10 116:10	understand 29:22	95:17	57:19,20
101:4 108:2,20	trust 6:11 46:2	38:12 51:4 150:17	various 53:22 92:8	WALTON 1:22
109:8,16 115:22	try 3:7 11:4 20:12	understanding	102:1 149:18	want 36:9 39:12
121:8,11,13,16,18	24:5 40:7 57:13	45:13 52:11 74:19	vary 35:15	40:20 41:7 46:13

51:3,16 52:1 55:1 61:10,10,10,11 66:7 69:5 71:9 73:12 74:6,7 75:6 77:5,7 90:14,22 108:1 113:10 118:16,21 120:6 124:13 129:17 134:11 136:7 137:1 140:6,15,16 140:17,19 143:14 143:16 150:11 wanted 4:8 12:3,4 14:22 20:20 50:18 58:10 59:17 74:4 88:4 106:5 111:7 136:14 wants 12:9 33:5 Warren 1:22 40:11 Washington 33:9 130:11 wasn't 28:2 93:22 108:20 watched 112:21 watching 104:12 115:12 water 38:13 watershed 43:15 way 6:4 9:4,12,17 9:20 12:9,14 15:5 16:2 18:16 20:21 29:6 32:20 33:2,7 36:1 38:9 57:9 60:2,4,5 63:16 69:2,18 73:7 75:4 76:14 83:22 84:3 84:18,20 85:15 86:6 94:11,14,18 94:19 95:1,5,9,11 96:1,4,11,15,18 97:3,4 98:11,13 99:21 101:8,13 111:4 112:13 118:13 119:15 120:2,9,10 121:17 123:20 141:12 144:9	ways 16:1 28:9 71:19 88:13 120:12 weather 115:11 web 95:20 108:5 website 23:1,10 30:17 week 31:19 117:12 weigh 70:21 79:22 weighed 79:17,19 87:19 welcome 2:3 3:4 8:17 31:21 152:3 went 23:6 106:8 111:15 139:6 weren't 89:19 139:1,2 west 28:5 106:5 108:17 118:19 126:9 148:3 western 115:21 Westway 106:4,10 114:8 we'll 3:14 8:21 10:17 11:4,8,9 41:17 55:18 57:13 100:13 123:16 we're 23:22 48:10 55:4 79:8 97:14 120:4 we've 4:2 32:10 65:4 77:14 81:7 83:1 89:2 102:17 103:10 112:12 114:8 122:14 124:19,20 128:3 131:6 Wheel 19:6 wide 83:11,11 widen 79:9 95:8 widened 40:21 127:18 widenings 41:2 wider 96:12 141:14 widest 96:1 width 83:14 Willie 44:5	willing 6:1 105:14 127:10 Willow 1:12 win 87:14 132:20 149:3,4,10,12 wind 110:8 windows 3:18 4:2 Winglee 128:11,11 winning 132:22 wires 63:10,11,12 63:20 64:1 73:18 97:8 Wisconsin 141:8 wise 132:10 wish 78:5 81:20 withheld 21:19 48:4 66:21 withhold 48:9 149:5,9 wonder 42:5 151:6 wondering 31:18 52:4 53:5 80:13 80:20 Woodbine 75:9 Woodmont 29:7 100:3 words 45:9 110:11 116:12 146:4 work 5:7 7:11 19:22 21:6 64:4 65:11 66:17 70:11 70:16 73:21 78:22 107:20 136:7 144:17 145:18 worked 21:2 39:2 80:16 96:17 124:17 working 31:9 53:19 58:11 64:21 65:10 110:2 117:9 119:2 works 81:22 110:16 world 139:11 worried 81:8 worth 77:11 114:14 worthwhile 79:15 128:6	worthy 142:19 wouldn't 64:4 85:2 91:5 128:2 wow 68:21 Wright 83:7,7,13 83:18 84:6 85:12 86:7 write 152:1 written 13:18 58:17 71:6 wrong 128:22 136:9,18 wrote 13:11 <hr/> X <hr/> X 57:3 <hr/> Y <hr/> yard 115:13 year 31:14 47:1 49:8,9 70:12 119:11 146:7 yearly 134:17 years 5:7,13 29:13 46:21 50:9 84:11 84:13 104:13,16 106:4 112:22 114:13 117:10 118:7 121:8,19 127:15 137:3 142:7 143:10 145:16 147:3 York 14:10 106:4 106:10 <hr/> Z <hr/> zipcode 144:19 <hr/> \$ <hr/> \$1 47:9 54:7 \$1.2 18:2,3 \$1.6 56:4 \$1.68 18:2 \$10 94:14 \$100 36:6 57:3 \$100-150,000 66:9 \$12,000 22:20 66:12	\$139,000 146:18 \$150,000 19:17 \$19,000 146:9 \$2 47:9 \$20,000 121:13 \$25 46:21,22 49:8 \$250,000 14:4 19:19 \$3 47:10 \$30,000 21:5 \$39,000 146:12 \$4,030 19:4 \$4,897.22 19:3 22:16 \$417,817 22:11 \$423,633.34 22:10 \$450 49:9 \$500 70:15 81:3,10 144:21 \$500,000 54:7 83:4 \$59,000 146:14 \$60,000 120:22 \$600 17:20 \$65,000 74:1 \$750 83:4 \$750,000 70:15 81:11 145:1 \$919.12 22:19 <hr/> # <hr/> #2 45:2 <hr/> 0 <hr/> 08 14:4 24:21 09 19:17 22:14 <hr/> 1 <hr/> 1.6 149:15 10 11:9 22:14 37:9 86:2 110:14 117:21 10,000 117:11 149:16 100 15:5 96:12 141:15 100-feet 84:19 103 2:20 11 2:4 145:16
---	---	---	--	---

12 86:3		7101 83:7	
120 117:2	<hr/> 4 <hr/>	7105 122:13	
140 13:16	4001 136:22	7202 53:12,16	
15 17:10	4003 86:19	106:13	
16th 33:1	4009 37:22 125:3	7209 77:3 150:15	
17 17:10 144:13	4011 131:2	75 2:17	
17,000 90:8	4100 48:21 49:6	7508 41:21 47:22	
18 19:1 135:3	4114 75:9 97:20	112:16	
18th 33:1	114:5		
190 17:11	4220 55:19	<hr/> 9 <hr/>	
<hr/> 2 <hr/>	4301 1:12	9:30 150:9,14	
2,000 52:12	4317 104:7 116:16	9:35 152:15	
20 46:21 84:13	44th 106:13 122:13		
104:13,16 121:19	4411 90:16		
20-foot 111:15	4413 94:9		
20-year-old 28:18	45th 53:12,16		
2000 146:7 147:3	4501 145:13		
2003 119:10 120:21	4502 52:1		
2006 115:10	4509 135:7		
2007 12:22	4511 143:22		
2008 14:11 15:18	<hr/> 5 <hr/>		
15:19 18:20 20:15	5,000 22:6		
21:4	50 56:9		
2009 1:8 24:10	500 19:8		
2011 57:20	55 73:5 119:9		
21st 32:18	56,000 17:22 18:6		
22 1:8 13:11	57 2:15		
22nd 92:16 93:4	<hr/> 6 <hr/>		
152:12	6th 12:22		
24 2:7 5:7 80:14	60 117:14		
117:1	62,000 18:4		
25 13:3 127:15	66 15:5 84:2 85:13		
29 142:7	85:14 86:6,8,9,10		
<hr/> 3 <hr/>	86:14		
3 2:3	66-foot 63:16 73:6		
30 22:12 33:21 45:9	84:18 141:12		
45:16 84:4 86:1	6903 39:20 92:6		
91:16	6905 140:1		
30-day 34:22	6912 44:6 80:11		
31 2:11	<hr/> 7 <hr/>		
31st 18:20	7:00 1:10		
32 84:4 85:17 86:1	7:01 3:2		
33 15:6	7000 133:19		
3413 130:4	7002 110:5		
35 73:4	7003 128:12		
37 2:13			