



**Status of the Rustic Roads Program**

July 1, 2004 to June 30, 2006



## STATUS OF THE RUSTIC ROADS PROGRAM

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### **I. INTRODUCTION**

The Montgomery County Council enacted the rustic roads law in 1993 (Article VII: Sections 49-76 through 49-80 of the Montgomery County Code). The program was established to preserve and protect historic and scenic roads that reflect the agricultural character and rural origins of the county. The legislation established an interim list of 91 rustic and exceptional rustic roads in Montgomery County and established criteria for their identification and classification. Since enactment of the law, all roads on the interim list have been evaluated and given final status by subsequent Master Plans.

The Rustic Roads Law established the authority for the Rustic Roads Advisory Committee (RRAC) and set forth duties that the committee must perform. One of those duties was to prepare this report on June 1 of even numbered years. This will be the last biennial report. Effective January 2006, Bill 2-05 required that committee reports be submitted annually.

### **II. ACCOMPLISHMENTS OF THE RUSTIC ROADS ADVISORY COMMITTEE**

The RRAC duties include promoting public awareness of the program, commenting on rustic roadway classification, commenting on county regulations or policies which affect rustic roads and advising DPWT of the significant features of a rustic road that must be preserved when it is scheduled for maintenance or improvement.

#### Committee Evaluation and Review Board (CERB)

The RRAC met with a representative of CERB early on in their process and in the latter half of 2004, the RRAC reviewed and provided comments on the final CERB report. The report to the County Executive and County Council recommended that the RRAC become a subcommittee of a merged Agricultural Advisory Committee and Agricultural Preservation Advisory Board. The RRAC went on record as opposed to this recommendation. Although agriculture is an important component of the rustic roads program, the program is not strictly agriculture oriented: only three of the seven members are farm representatives, many designated rustic roads are located outside the Agricultural Reserve, and the scenic and historical aspects of the roads are equally important. The RRAC believed that they could more effectively perform their duties as a

unique and separate committee. Ultimately, the County Council decided not to pursue the merger of the RRAC and to leave it as a stand alone committee.

### Roadway Maintenance

The Committee met with the Chief of Highway Maintenance, DPWT on two occasions -- Tom Orr in July 2004 and John DiGiovanni in June 2006, to discuss continuing issues of concern to the RRAC regarding roadway maintenance. Specifically the areas of concern are:

- roadway resurfacing and shoulder repair activities, and
- tree and foliage trimming and maintenance.

The Committee was supportive of DPWT's plan to re-instate the tar and chip (chip seal) resurfacing method for rustic roads. However, the RRAC went on record in a memo to Tom Orr in December 2004 that the maintenance of rustic roads should not result in a wider road, and that they would like to see a shoulder treatment that would distinguish it from the traveled portion of the road. The gradual widening of rustic roads with each successive resurfacing has been a continuing topic of discussion within the Committee and with Highway Maintenance management. The RRAC has met with successive chiefs over the last several years, but commitments made to the Committee have not been passed from one chief to the next, resulting in a lack of continuity in addressing this issue. The Committee is attempting to address this problem.

At their meeting of May 2006, the Committee met with Ginny Barnes, President, West Montgomery County Citizens Association. She asked to attend the meeting to express her concerns following extensive clearing of foliage along rustic roads in the Glen. Subsequently, Council President George Leventhal asked the RRAC to investigate whether the Executive Regulation guidelines were followed in this case. The RRAC wrote to Mr. Holmes requesting specific information on the complaint that precipitated the clearing and the work order that was used. The issue has not been resolved because the Highway Maintenance Section sent a typical sample of a Foliage Work Order and not the one that was used in the Glen. As a result of the lack of clear guidelines on foliage clearing and tree trimming, the Committee decided that the Executive Regulation needed supplementation on this topic and drafted "Guidelines for Foliage and Tree Maintenance on Rustic Roads." This draft was shared with John DiGiovanni, who met with the Committee in June 2006 and gave constructive comments on the proposed tree maintenance guidelines. The Guidelines are currently being finalized.

### Roadway Preservation

In May 2005, members of the Committee met with Highway Maintenance staff on Martinsburg Road to review community concerns about shoulder maintenance work which resulted in widening of the existing gravel shoulders. Martinsburg Road has a section of original “politicians road” – a narrow concrete pavement now flanked by asphalt and gravel shoulders on either side. In addition to being classified as Exceptional Rustic, this section is also designated on the Master Plan for Historic Preservation. Over the years, Martinsburg Road, as well as Sugarland Road, another 1930s politicians road, have been extensively patched with asphalt rather than having concrete repairs performed. Both roads are in deteriorating condition. The Committee initiated correspondence and discussions with DPWT which resulted in a recommendation to pursue a Rustic Roads Rehabilitation CIP in the FY 09 budget. The RRAC will be following up on this potential project with DPWT-Highway Maintenance.

### Public Outreach

The RRAC explored several options for informing the public about the program. In particular, they want to reach actual residents on the rustic roads to solicit their support for preservation of the roadside environment. The Committee is investigating funding sources for a mailing of brochures to rustic roads residents. Also the Committee is pursuing a unique sign to identify rustic roads in the “Adopt A Road” program (see below).

### Development Review

The Committee reviewed and forwarded comments on the following subdivisions or other locations:

- Elgin Family Farm – Jerusalem Road
- Victory Christian Church – Burnt Hill Road
- Edwards Ferry Road – driveway waiver request
- Copenhaver Property – Comus Road and Peach Tree Road
- Hyde Property – Batchellors Forest Road
- Burton Woods – Davis Mill Road
- Clement West – Peach Tree Road
- Game Preserve Road – Gaithersburg Master Plan

### Signing of Rustic Roads

Free standing signs identifying rustic roads are currently prohibited by Executive Regulation. The Committee has had several discussion on this topic and will be pursuing recommending eliminating this stipulation, along with possible other regulation modifications. In the interim, the Committee plans to pursue having special design signs

developed for the Adopt A Road program when it is implemented on rustic or exceptional rustic roads.

### **III. COMMITTEE ACTIVITY AND COMPOSITION**

#### **Meetings:**

Since the last report on July 1, 2004, the Rustic Roads Advisory Committee held meetings on the following dates:

July 8, 2004	November 17, 2005
September 9, 2004	December 22, 2005
November 18, 2004	January 26, 2006
December 1, 2004	February 6, 2006*
January 9, 2005*	March 9, 2006
March 10, 2005	April 13, 2006
April 14, 2005	May 18, 2006
June 9, 2005	June 22, 2006
September 8, 2005	

\* Meeting with County Executive/Chief Administrative Officer

#### **Members:**

The current members of the Rustic Roads Advisory Committee are as follows:

- Laura Van Etten – second term until December 2006 as representative of civic associations in the Agricultural Reserve
- Todd Butler – second term until December 2007 as owner-operator of commercial farmland and representative to the Agricultural Advisory Committee
- Cheryl Imperatore – second term until December 2008 as representative of civic associations outside the Agricultural Reserve
- Jim Arnoult – first term until December 2006 as member with knowledge of roadway engineering
- Kevin Foster – first term until December 2007 as owner-operator of commercial farmland
- Fred Lechliden – first term until December 2008 as owner-operator of commercial farmland
- Michael A. Seebold – first term until December 2008 as representative with knowledge of rural preservation techniques
- Leslie Saville – member from MNCPPC, non-voting

Staff Coordinator - Sarah Navid, Department of Permitting Services

The Committee wishes to recognize the dedicated service of members who left the RRAC since the last report: Gene Walker, farmer representative, Robert Albiol, rural preservation representative, Robert Raver, farmer representative and Maria Martin, MNCPPC representative.

#### **IV. STATUS OF PROGRAM**

The Committee mission has evolved from primarily advising on Master Plan classifications of rustic roads to advising on the preservation and protection of those roads. The Committee plans to focus on identifying and meeting with county and other agency staff responsible for the maintenance, construction and utility related activities on rustic roads to provide guidance on appropriate measures for protection of the road and right-of-way.