



Town Council  
Kathy Strom, *Mayor*  
Linna Barnes, *Vice Mayor*  
Patricia Burda, *Secretary*  
David Lublin, *Treasurer*  
Al Lang, *Community Liaison*

**Testimony of Patricia Burda, Councilmember**

**On Behalf of the Town of Chevy Chase**

**To the Montgomery County Parks and Planning Board Regarding the Purple Line Functional Plan**

**December 10, 2009**

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Chairman Hanson and Members of the Board:

I am Patricia Burda, Councilmember for the Town of Chevy Chase. This is the Town's first testimony since the passing of Commissioner Jean Cryor and we'd like to take this opportunity to say how saddened we were to hear of her death. She was a pleasure to testify before – asking insightful and perceptive questions – and we appreciate her many, many years of service to the community. She will be missed. On a happier note, it is also the first time we've testified since Commissioner Wells-Harley has joined the Planning Board and to her we extend our sincerest welcome.

Since Ms. Wells-Harley is new, I would like to just briefly review the Town's position on the project before making specific comments on the Functional Plan.

While the Purple Line as an east-west connector is a worthy project, we believe that the region has other equally important transit needs. Choosing the light rail Purple Line with its huge price tag and limited flexibility, we believe limits the State's ability to meet other pressing transit needs in the area. Instead, the region will be stuck with an orphan mode with a unique set of operational costs and limited interconnectivity with other transit modes. So the Town of Chevy Chase does not believe the project as currently being developed will effectively and efficiently serve the entire region. In particular, the light rail route chosen will completely miss an area already identified as an upcoming traffic quagmire -- The 2005 Base Realignment and Closure (BRAC) recommendations moved to establish the new Walter Reed National Military Medical Center at Bethesda (WRNMMC). Soon a larger, more robust medical facility will provide care for our military patients from all services.<sup>1</sup> We are told BRAC's WRNMMC will see 4,000 new trips per day when it opens in 2012.

The Town has submitted formal comments on the State's Draft Environmental Impact Statement citing inaccuracies with its analysis of the only alternative that would directly serve the BRAC-mandated

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<sup>1</sup> See generally [http://www.bethesda.med.navy.mil/professional/public\\_affairs/BRAC/Overview\\_Stats.aspx](http://www.bethesda.med.navy.mil/professional/public_affairs/BRAC/Overview_Stats.aspx).

relocation with a one-seat ride – the Jones Bridge Road Bus Rapid Transit alternative. This alternative would likewise save over \$1 billion dollars of taxpayer’s money, would allow interconnectivity with other bus rapid transit projects being proposed throughout the region, and would prevent the environmental destruction and use for multiple types of recreational and commuting purposes along the Capital Crescent Trail into Bethesda. This urban park currently sees over 10,000 uses per week. The narrow right of way into Bethesda will require the clear cutting of over 17 acres of mature trees. A 10’ bike path is planned alongside two trains running every 3-6 minutes at 45 mph in some places.

While some have suggested that only the Town of Chevy Chase disagrees with the Governor’s locally preferred alternative, during the public comment period over 1,200 people and more than a dozen community groups from our area wrote in or testified to the State that light rail on the Trail was unacceptable. You’ll hear more tonight about the 18,000 signers of the Save the Trail petition who let the Governor know how much they value saving this important urban park – particularly in light of anticipated increased development in the down-county area. Density must be balanced by open green space.

Before turning to specifics of the Functional Plan, I would like to point out that in the Town’s DEIS comments<sup>2</sup>, the Town also calls attention to problems and inconsistencies with MTA’s choice of this alignment based on its reliance on the County’s Master Plan<sup>3</sup>. Yet, in anticipating transit on this right of way, the Master Plan in many ways had it right: it specifically recommended single tracking because it deemed the hiker/biker trail to be an equally critical use of the right of way (pg. 14) and because it sought to “ensure that existing trees along the trolley/trail route are preserved wherever possible and that replacement of trees is of a sufficient quantity and quality to preserve and enhance the environment” (pg. 3). The County has since recognized that there are issues regarding “adequate trail width and safety” (pg. 3) and potential “user conflict” on the trail (pg. 53) in their 2007 Capital Crescent Trail/Georgetown Branch Trail Survey Report. Unfortunately, the Functional Plan sets out now to further undermine the issues recognized in both these documents, even though the circumstances have not changed, except to further support them, in the ensuing years.

I would like to say that the Town’s comments today on the Functional Plan assume the project will receive the federal funding that is required in order for it to move beyond the planning stage. However, even if this funding eventually materializes, the Town would like to underscore its view that the Purple Line as outlined is an ill-conceived response to the region’s public transportation needs. Our comments therefore are made without prejudice to any future actions on our part.

- 1) Alignment: In the Plan, the tracks for the light rail are located on the south side of the right of way immediately adjacent to the Town, with the trail to the north. In initial designs, that was reversed and the trail was adjacent to the Town. We have requested information from the State about why that change was made and now ask the same question to the County. There are many reasons to keep the

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<sup>2</sup> <http://www.townofchevy Chase.org/assets/documents/pdfs/purpleline/TownFinalCommentstoMTA01-13-09.pdf> (see section 1A-C).

<sup>3</sup> *Georgetown Branch Master Plan Amendment*, Approved and Adopted, January 1990.

initial design: access on the north side is closer to businesses along Montgomery Avenue and allows easier and safer crossing for students traversing the trail to schools in Bethesda and to County residents who use the Trail from the south. We ask that this alignment be seriously reconsidered.

- 2) Safety of the Planned At-Grade Crossing at Lynn Drive: We are very concerned about the workability of the at-grade crossing proposed at Lynn Drive in the Town. This is a potentially very dangerous crossing for students walking to both Bethesda Chevy Chase High School and Our Lady of Lourdes School which are located on East West highway. These students cross in the dark in many months to get to school in the morning. Many have i-Pods and are generally distracted. Trains coming by every 3-6 minutes at an average of 31 mph could be a disaster waiting to happen without thorough safety planning. We suggest it may be necessary to construct an overpass at this location. We ask for the County's commitment to assure proper mitigation at this location.
- 3) Width of Trail: As detailed in the Functional Plan, in the 66 foot right of way, adjacent to the Town, the paved trail cannot meet the County's stated standards of 12' with 2' shoulders on each side without taking away the buffer between the trains and trail. Yet, as stated above, in this right of way the trains will be going an average of 31 mph. That is an *average* with speeds up to 45 mph in some places in the right of way. Because this is a heavily used chokepoint on the trail, we are very concerned about safety for all types of trail users. While we will be working with the State to address this issue, we feel it is imperative that the County be very involved in the discussion and design. We understand the State is not contemplating taking any property at this time, yet we do not understand how the safe coexistence of trains and trail can work as planned. In fact, we feel that both the State and the County should reconsider the issue of single tracking which is part of the original master plan. Safety should be paramount over speed.
- 4) Trail through Tunnel: We appreciate that the current plans include completing the trail through the tunnel. However, the issue of safety and usability of this passage will require careful design. Clearance both from the ceiling of the tunnel and above the wires makes this, as the State and County know, difficult, but are critical for safety reasons. Also, there is concern about the width of the trail through the tunnel and the ability of multiple types of users to traverse the area safely. It will also need to be very clearly lit, marked and monitored for the possibility of crime or assault.

We would also like the County and State to provide meaningful assurances that the trail will indeed continue to extend through the tunnel under Wisconsin Avenue and that this amenity will not be dropped from the project due to costs. As you are probably well aware, the number of pedestrians hit on in this immediate stretch of Wisconsin Avenue is still high. During the period 2003 to 2007 there were *twenty-nine* vehicular collisions with pedestrians/bicyclists at the five Wisconsin Ave. intersections south of East West Highway (Montgomery Ave., Hampden Ln., Elm St. Bethesda Ave.-Willow Ln. and Leland St.), to say nothing of the *one hundred eight* vehicle to vehicle collisions at these same

intersections during the same period.<sup>4</sup> It will be much worse if the tunnel does not remain open to trail users. We are concerned that because the dynamics of building the trail through the tunnel will be so costly and difficult and because they do not add to the “rider” cost/benefit analysis in any way, the trail through the tunnel may be dropped. This would be unacceptable not only to the Town but to the many groups who have testified in favor of this alignment and who advocate on behalf of other trail users.

- 5) Woodmont East Plaza: On page 9 of the Functional Master Plan, it says the Bethesda terminal design will “contribute to Woodmont East area open space needs”. As planned, open space in this downtown Bethesda area will be reduced from what we see today while building density will multiply. Add to that trail tracks excavated 15 feet or so below grade extended into the area by perhaps 100 feet. We applaud Roger Berliner’s attempt to keep the tail tracks less than 100 feet west of the Apex Building Portal and the State’s commitment to explore this limitation. We feel a distance under 100 feet is imperative if the terminal design is to meet the goal of “contributing to the . . . open space needs”.
- 6) Grass Tracks: We support the County’s proposal for grass tracks for the trains. This feature will be important not only for the look and character of the environment adjacent to the trail, but also for essential storm water management and as a sound barrier. Again, however, because this is a more costly alternative both in installation and maintenance, we fear this will be dropped. We ask for the County and the State’s commitment to realizing this feature.
- 7) Coquelin Run: The Functional Plan does not outline how this creek into the Rock Creek Watershed will be protected, as required by law. Protection of this creek is an environmental imperative that must be addressed.
- 8) Chevy Chase Lake: Page 9 of the Functional Plan also states that on the segment from Chevy Chase Lake to Lyttonsville, the Purple Line will create “access to Walter Reed Annex . . . jobs.” We are skeptical of this assertion, since there is no connection to the new Walter Reed Annex at Chevy Chase Lake. In answer to the Town’s concerns about meeting the imminent east-west transportation needs of the new Walter Reed facility, the State said there will be an easy transition in Bethesda from the Purple Line to the Red Line for workers heading up to National Naval Medical Center. What does the Functional Plan’s statement mean and how will it be addressed?
- 9) Rosemary Hills Elementary School: We are concerned about the proximity of the train tracks to the school’s playground and potential danger for these young children.
- 10) General Principles: The “general principles related to the procurement that should be considered by the MTA” as outlined on page 10 are important— particularly regarding safety and mitigating environmental impacts, including through the use of vehicles that would not require overhead wires.

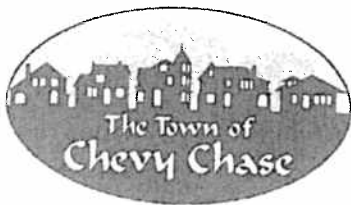
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<sup>4</sup> *Wisconsin Avenue (MD 355) Pedestrian Road Safety Audit, Bethesda, Maryland* at 3-4 (Vanasse Hangen Brustlin, Inc. 2009 (draft)).

11) And, finally, we know we speak for many, many people when we state that the County and State have pledged to the greater community that the trail will be completed along with the Purple Line. We will hold you to that promise. It is understood that this means both the trains and the revised trail will be completed at the same time, so that the County's commitment to health, safety and recreation – quality of life issues – will be realized at the same time as its commitment to enacting this particular transportation mode.

In summary, we don't like this transit mode on this alignment, and we trust we've been clear about our serious concerns regarding specific issues raised in the Functional Plan.

Thank you.



Town Council  
Kathy Strom, *Mayor*  
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**Supplemental Comments on the County's  
Proposed Changes to the Purple Line Functional Master Plan  
Submitted by the Town of Chevy Chase  
February 12, 2010**

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The potential advent of the Purple Line light rail poses particular mitigation challenges to the Town of Chevy Chase due to the extremely narrow right of way adjacent to the Town's northern border.

The Town's Mitigation Advisory Group, made up of nine residents of the Town, has carefully reviewed and considered the State's proposal to put the light rail tracks on the south side of the right of way adjacent to the Town's northern boundary. Based on this review, we conclude that the State itself does not have sufficient or convincing data to recommend such a change. The results of the conceptual engineering that MTA is presenting and on which it urges the County to base its amendment of the Functional Master Plan are flawed. Therefore, we believe it is imperative that the County delay any action to amend the Functional Master Plan to accommodate the change of the light rail/Trail alignment at this time.

We submit these comments today to explain our position to the County and to supplement our earlier comments submitted on December 10, 2009.

**Background:** For the area adjacent to the Town's northern border, the County's Purple Line Functional Master Plan as amended in January 1990 calls for a pedestrian trail, easily accessible to residential properties on the south side of the right of way, which would safely co-exist with a single track trolley line on the northern, more commercial side of the right of way. The State is now asking that the Master Plan be amended again to include double-tracking and has proposed moving the Trail to the north side of the right of way, putting the light rail vehicles closer to the Town and its Edgevale neighbors. There is no proposal to change the alignment in other parts of the line between Bethesda and Silver Spring; the Trail will stay to the south side of the right of way further to the east of the Town where a crossover is proposed to occur.

The Town's Mitigation Advisory Group has met with Purple Line project manager Mike Madden and State consulting engineers to discuss the State's rationale for this proposal. The Advisory

Group then spent considerable time reviewing all reports and technical amendments recommended by the State. Our comments are based on the Advisory Group's findings following this careful review.

**The Right of Way Adjacent to the Town:** While recognizing that the Town is only one of several communities that border the 16-mile transit line, the segment of the line that abuts the northern boundary of the Town is unique and thus bears additional scrutiny.

- The right of way is exceptionally narrow (32 feet) near several Town homes on Elm Street where it then enters a tunnel; the rest of the right of way is only 66 feet. The southern portion of this has a very steep grade and drop-off along a large percentage of the right of way and a creek that is part of the Chesapeake Bay Watershed is at the base of that drop-off. Near Lynn Drive, the 66 foot right of way is tightly wedged between commercial buildings and an apartment complex on one side and Town homes within feet of the right of way boundary on the other. In general, there are only single family residential properties to the south of the right of way while a large part of the north side is commercial.
- Into that narrow right of way, the State proposes to place two light rail train tracks, catenary wires and poles, a pedestrian paved trail with safety buffers on both sides, an extensive ADA compliant ramped portion of the Trail that will be approximately two blocks long, and plantings, sound barriers, and retaining walls. The State has acknowledged that all trees will be removed within the right of way and that the canopy trees cannot be replaced. Finally, they have noted they will need easements on Town properties to accommodate the areas of disturbance associated with the construction of the rail line (i.e., more trees and plantings will be removed on private property to allow for construction).
- The State also proposes running the trains at maximum speeds of 50 mph within this right of way at 6-minute headways during rush hour (as a consequence, trains will pass through the right of way every 3 minutes). There are homes (not just yards, but actual houses) in the Town that will be literally within feet of trains running at those speeds; the same is true of Edgevale east of the Town.
- Additionally, one of the two access points for the Town to the Trail is proposed at Lynn Drive. The State's current proposal calls for an at-grade crossing to the Trail on the north side and to Montgomery Avenue and East-West Highway beyond. Unlike areas where the light rail will run on streets, following posted speed limits and traffic signage, *State engineers have stated that trains will be passing this access point at 45 mph.* That means that people will have to first traverse tracks with trains going that speed every 3

minutes to access the Trail or to make this crossing. That includes the numerous teenagers who use this crossing to get to Bethesda Chevy Chase High School, often in the dark morning hours.

**Comments on the State's Rationale:** MTA states that the primary reason for placing the Trail on the north side is to maximize the vertical and horizontal separation between the Trail and the trackbed, which MTA says would provide a better "trail experience." The decision seems not to be based on specific engineering or cost analyses. MTA says that locating the Trail to the north of the trackbed better follows the existing elevation of the surrounding land and keeps the Trail three to four feet above the trackbed, where possible.

But it is counterintuitive to locate a recreational trail close to a barren commercial strip instead of alongside a leafy residential community. Many Trail users have contacted the Town on this issue, in unanimous agreement that walkers, bikers, baby strollers and leashed dogs all prefer some semblance of the shaded trail they have enjoyed for years. Only a southern alignment for the Trail would provide that.

Likewise, it is unclear why the State couldn't/wouldn't provide an elevated Trail on the south side. Major re-grading of the area will occur in any event. We wholeheartedly agree with the planners' desire to provide a good and safe Trail experience, yet we conclude that a well-designed Trail alignment on the south side is capable of making the Trail experience better than or at least as good as a northern Trail alignment and is cost-comparable and a better environmental choice.

The MTA contractor's recommendation acknowledged that the Trail location on the north side of the right of way in Chevy Chase would cause the residents to lose the direct access to the Trail and would place the transitway closer to the residences on the south side. The Town believes that losing a more direct (and thus safer) access and placing the transitway closer to the residences will cause materially different safety and environmental consequences without substantially reducing the cost of construction. Denying the Town's 1,020 residences along with the residences of Edgevale direct access to a treasured recreational Trail and placing a transitway closer to those residences is hardly in line with the new federal policy of funding major transit projects that make communities more "livable".

**Additional Town Concerns:**

Along with the safety and access issues addressed above, the Town has significant concerns regarding noise and vibrations. The *Noise and Vibration Technical Report* of the AA/DEIS and the information provided to date does not provide sufficient data to allow the County or the Town to understand the noise impacts of the Purple Line on the Town. A south Trail alignment

would be inherently quieter and is key to mitigating noise and vibration impacts. But the Town has serious concerns about the State's noise study; an attachment to this report details these concerns. In short:

- It appears MTA understates the Purple Line's noise and vibration levels along the Trail in the Town and mislabels a "severe impact" as a "negligible impact."
- It appears MTA did not take a single sound measurement within the Town of Chevy Chase, but simply assumed the Town is ordinarily as noisy as East-West Highway near Montgomery Avenue and Jones Bridge Road near Connecticut Avenue.
- It appears MTA assumed that trains will run down the center of the right-of-way rather than on a track, which understates noise reaching the Town.
- The *Technical Report* appears to assume single-tracking where MTA now proposes double-tracking. The *Report* states that a headway of 6 minutes means 10 trains per hour, not 20 trains per hour, which would occur with double tracking and therefore understates the noise reaching the Town by a further 3 dB(A). Since the noise model has not been made available to the Town, this simple error cannot be ruled out.
- It also appears the MTA underestimates noise emission from light-rail trains. It counts on the trains being quieter than the manufacturers themselves specify. MTA's analysis also appears to not fully account for all of the ways trains produce noise, including the location of the rails, the number of trains per day, maintenance of wheels and tracks, the presence of real-world dust/grit/leaves/imperfections, turns and crossovers, braking, decelerating, accelerating, reflections, canyon effects, and focusing effects when entering the tunnel.

The Town of Chevy Chase therefore requests that the State conduct new studies of noise and vibration using alignments individually optimized for the Trail being north or south of the tracks adjacent to the Town. The Town will need these noise studies and more complete engineering details in order to determine the mitigation it will request during the preliminary engineering phase of the project. The County also needs these studies and more complete engineering details to make an informed decision on whether to amend the Purple Line Functional Master Plan.

### **Conclusion:**

While the primary objectives of the Town of Chevy Chase are to ensure that the transit project in its entirety, the rail and the Trail, provides our Town residents (and Trail users) with a safe and environmentally benign transit alternative, we are cognizant and respectful of the goals of the entire 16-mile line. We firmly believe, however, that switching the alignment for this area

and putting the Trail on the south side in this narrow right of way will not impact the functionality of the entire line – but it does have significant impact on the “livability” of our community.

**In summary, the Town of Chevy Chase asks that at this time the County deny the State’s request to amend the Purple Line Functional Master Plan to change the alignment of the train and Trail in the right of way adjacent to the Town until the State conducts sufficient preliminary engineering on *both* alternatives with the Trail fully optimized and elevated on both alignments. This preliminary engineering will give the County, the State and the Town the information we all need to compare the consequences, costs and trade-offs of each alignment.**

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Sent via email

February 10, 2010

Mr. Michael Madden  
Project Manager  
Maryland Transit Administration  
[mmadden@mtamaryland.com](mailto:mmadden@mtamaryland.com)

Dear Mike –

The Town's Mitigation Advisory Group has carefully studied the *Noise and Vibration Technical Report* of the AA/DEIS and other information provided to us by the State in the context of the train/trail alignment question. Because so many of the State's conclusions about noise and vibration seem to us to be unsubstantiated or unclear, we ask that the State undertake additional noise studies on both alignments. The following issues illustrate the need for further noise studies:

1. **Not a single sound measurement was taken within the Town of Chevy Chase.** The 60 dB(A) of ambient noise attributed to the Town was synthesized from two uncharacteristic points elsewhere: the intersection of Montgomery Avenue with East-West Highway ("B") and near Connecticut Avenue at the intersection of the Columbia Country Club with Jones Bridge Road ("N-10A"). The interpolation within the Town was justified because of "similar traffic and geographic conditions" that prevail both along the Capital Crescent Trail within the Town and at these two sampled points. We do not believe that this is correct. If measured in accordance with the *FTA Handbook*, ambient day-night Ldn noise in the Town of Chevy Chase would be less than 50 dB(A), not 60.
2. **The 24 hour Ldn values cited for parks are suspiciously loud.** The lowest residential value measured, an Ldn of 53 dB(A), is remarkably high. We therefore have concerns about the calibration of the microphones employed by the contractor providing the noise analysis.
3. **The *Technical Report* appears to assume single-tracking, where MTA assumes double-tracking.** A headway of 6 minutes means 10 trains per hour, not 20 trains per hour. The noise reaching the Town would thereby be +3 dB(A) higher than claimed in the *Technical Report*. Since the noise model has not been available to the Town, we would appreciate your ruling out the possibility of this simple error.
4. **The *Technical Report* confuses a noise mitigation strategy (walls next to the train) with eliminating noise *per se*,** ignoring oblique reflections and diffraction from walls, thus understating noise emissions by 4dB(A) and overstating noise suppression by 1 or 2 dB(A).
5. **The *Technical Report* assumes markedly quieter trains than the manufacturers themselves specify.** We could not tell what model and vendor of light rail vehicle was assumed for the source of noise emissions, but noise

levels cited by the report are far lower than light-rail manufacturers (Bombardier FLEXITY, Kawasaki LRV Series 100) provide in their specification data.

6. **The *Technical Report* does not appear to account for noise from** braking, decelerating, accelerating, cross-overs, turning, canyon effects from Bethesda buildings, and focusing effects from entering the tunnel. In aggregate, these emissions will add several decibels unaccounted for in the Technical Report.
7. **The *Technical Report* assumes that trains run down the center of the ROW rather than on a track, which understates noise reaching the Town** by 3 to 4dB(A) if the tracks are aligned South and the Trail North.
8. **The treatment of vibration and low-frequency noise is insufficient.**

We would appreciate your response to these concerns and, even more important, the State's commitment to completing more thorough noise studies on both alignments.

Mary Anne Hoffman  
Chair, Purple Line Mitigation Advisory Group

Pat Burda  
Councilmember