



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Intercounty Connector
Mandatory Referral No. 06809-SHA-1
Status Report #8**

Prepared 7/5/07 for discussion at the 7/12/07 Planning Board Roundtable

This memorandum is ICC Status Report #8 to the Planning Board under condition #16 of the ICC mandatory referral. This status report includes three components:

- Activities occurring within each of the three ICC contracts (A, B, and C) in Montgomery County
- Coordination associated with the mandatory referral, and
- Other news and events

CONTRACT A, B, AND C STATUS UPDATES

Exhibit 1 shows the anticipated schedule and location for each of the five contracts, A through E. The following paragraphs summarize the current activities in each contract.

Contract A – I-370 to MD 97

The design-build team for Contract A is, Intercounty Constructors (IC), a joint venture of Granite Construction Company, Corman Construction, Inc., and G.A. & F.C. Wagman, Inc. IC has a limited Notice to Proceed for design activities. SHA anticipates issuing a full Notice to Proceed during fall 2007.

The Town of Washington Grove has been very much interested and involved in planning activities in the Shady Grove Sector Plan area. The Town has expressed concern regarding ICC impacts, particularly relating to visual and noise affects. While the ICC Environmental Impact Statement process concluded that there were no anticipated adverse effects on the Town of Washington Grove as a historic Section 4(f) resource, continued coordination is occurring regarding the relationship between the ICC and the Town. While the Planning Board's role on the ICC design near the Town of Washington Grove is advisory, the Board's future regulatory decisions regarding the Casey properties between the ICC and the Town boundary will contribute to the overall environmental context for the Town. Chairman Hanson has invited Mayor John Compton to participate in the roundtable discussion on July 12.

The Intercounty Constructors has proposed a revision to the design of the I-370 interchange with the ICC that would lower the interchange profile by shifting one ramp from a flyover ramp to a "flyunder" ramp. This configuration, more akin to the "trumpet" interchange envisioned in the 1997 EIS process, would require additional right-of-way. SHA has begun working with IC on this concept and will be able to

describe during the roundtable discussion both the concept as well as the process that would be required to pursue a modification to the Record of Decision.

Contract B – MD 97 to US 29

SHA is pursuing several post-ROD refinements; all of which are fairly minor in scope. Two of these refinements affect park property:

- Use of an existing stormwater management pond, the Lower Oak Springs pond, for erosion and sediment control during construction. This pond, near Station 730, is located on park property in the Upper Paint Branch Stream Valley Park. The concept for using this pond in lieu of clearing additional forest for temporary erosion and sediment control is one of the Planning Board's mandatory referral recommendations. SHA, DPS, and DEP have determined that the approach appears feasible from a technical perspective, and it requires changing the Contract B Section 4(f) boundaries. This recommendation is similar to the recommendation at Station 174 in the Mill Creek Stream Valley Park. M-NCPPC will next conduct community outreach, with support by SHA, DPS, and DEP, and will bring a recommendation to the Planning Board for a public hearing on the matter in early September.
- Redesignation of a short (~500 foot long) section of sidewalk along the east side of Layhill Road (MD 182) from its current status as an independent Environmental Stewardship project into the Contract B specifications. This sidewalk will connect the ICC construction with the entrance to Layhill Local Park and will require an additional 0.04 acres of parkland from M-NCPPC. Staff supports this amendment and proposes to incorporate it into the Contract B parkland transfer process.

The District 14 delegates have expressed interest in removing the Layhill Road (MD 182) interchange from the selected alternate. Chairman Hanson and staff have participated in discussions on this topic and reviewed the explicit consideration and endorsement of this project element by the Planning Board and County Council during the alternative selection process in 2005.

Staff is working with SHA on property transfer details for Contract B. We currently anticipate scheduling a Planning Board public hearing on the property transfer topic in late September.

Contract C – US 29 into Prince George's County

SHA is pursuing several post-ROD refinements. The primary refinement involves the reconfiguration of the I-95 interchange in Prince George's County. The I-95 interchange refinement has been approved by FHWA and has been incorporated into the Contract C RFP plans. Staff is pursuing the potential for coordination of the termination of Dogwood Lane and the completion of Guilford Run Lane in conjunction with the

development of the Kushner Property, a topic that will be addressed in detail in the Planning Board's review of the subdivision case.

MANDATORY REFERRAL COORDINATION

Staff continues to work with SHA on the many elements associated with the mandatory referral conditions. Three of these conditions; the Western Maintenance Facility, the National Capital Trolley Museum Relocation, and the process for Water Quality Plan review in Special Protection Areas; were the focus of Planning Board concern during the discussion of the Contract A transfer of parkland from the Commission to SHA. All three of these conditions continue to move toward successful resolution as summarized below.

Western Maintenance Facility

In May, SHA sent FHWA the final draft of the Environmental Summary document describing the impacts of the WMF relocation from the Casey 7 property to the Casey 6 property. SHA and FHWA are awaiting comments from the Maryland Historic Trust. In the meantime, DEP, DPWT, and DPS are reviewing the submitted roadway plans for the extension of Crabbs Branch Way to Casey 7 per the Planning Board's March 2007 approval of the Phase 1 preliminary plan for Shady Grove Parcels 6 and 7.

National Capital Trolley Museum Relocation

We have completed negotiations with the National Capital Trolley Museum (NCTM) and SHA on the Memorandum of Understanding (MOU) needed to provide funding to NCTM to relocate the Museum. The MOU provides \$5.6M in funding from SHA to the Museum to construct the relocated museum. SHA has already advanced \$100,000 for design and will provide \$1.2M once the MOU is executed. NCTM will submit invoices to SHA on the remaining balance of \$4.3M as relocation costs are incurred. The MOU sets January 1, 2009 as the date upon which M-NCPPC will turn over the vacated property to SHA.

Process for Water Quality Plan Review in Special Protection Areas

Staff continues to coordinate with DPS and SHA regarding details of the process and timing for review of Water Quality Plans in Special Protection Areas per the summary provided to the Planning Board during Status Report #5 in February. The pursuit of additional details is important to ensure that the staff at each agency and the general public has expectations for both technical details and review timeframes that can be met.

We believe the Trolley Museum relocation process is on the right track with the completion of the MOU. We look forward to reaching closure on the Western Maintenance Facility and SPA Water Quality Review processes during the next several weeks so that these items are concluded prior to further discussions of the Contract B parkland transfer.

Other Coordination Activities

In addition to the three critical items mentioned above, staff continues to coordinate with SHA and other IAWG agencies as appropriate regarding:

- reforestation details
- invasive species management plans
- processes for public information, including review of roadway plans in the design-build process,
- special provisions in the Contract B and C RFPs, including amphibian passage, construction fencing, and box turtle rescue,
- design and implementation of the Contract A RFP elements.

We have also initiated the effort for the ICC master plan amendment, which will focus on changes to the master plan of bikeways. We are beginning data collection and administrative efforts required to prepare a Purpose and Outreach Strategy Report in September.

OTHER NEWS AND EVENTS

The following activities have occurred since Status Report #7:

- SHA initiated the relocation of the Williams Gas Pipeline near Magruder High School in May. This work is being conducted independent of, and in advance of, the Contract A design-build activities.
- SHA constructed temporary bridging in the Northwest Branch Stream Valley Park to facilitate boring activities for future bridge design. Two incidents have occurred associated with this activity. During the weekend of May 19, some of the contractor's equipment in the field was vandalized. On June xx, the contractor conducted clearing for mobilization work outside the area allowed by the park permit (although still within the limit of disturbance in the ROD). In both cases, M-NCPPC has determined that no permanent damage to park property occurred and we have subsequently identified procedural remedies and clarified communications channels.
- We coordinated with County Council staff regarding the incorporation of Compensatory Mitigation and Environmental Stewardship (CM/ES) projects within our FY 09 CIP. Council staff has requested that we provide the PHED Committee with a comprehensive briefing on the overall CM/ES program, summarizing the costs and benefits. We are working with SHA and Council staff to provide this briefing in early September, prior to the Planning Board review of the FY 09 CIP elements.
- M-NCPPC held a public meeting June 13 to present the concept plan for the Llewellyn Fields Sports Complex. About twenty people attended the meeting and the primary interest was assuring that the park identity is separated from the Llewellyn Fields residential community located to the north across Norbeck Road

Extended. Additional concerns related to traffic and noise attenuation. We are addressing those concerns in developing the concept plan, cost estimate and proposed CIP schedule to be presented for Planning Board review and approval in September 2007.

- The Environmental Defense Fund and the Sierra Club jointly filed a June 12 petition to FHWA requesting a Supplemental Environmental Impact Statement be prepared to assess air quality impacts based on either new information published or new requirements in effect subsequent to decision-making deadlines on the ICC.

The EDF/Sierra Club petition is the newest procedural challenge to the ICC. Other procedural challenges include two lawsuits that primarily regard the NEPA planning study processes:

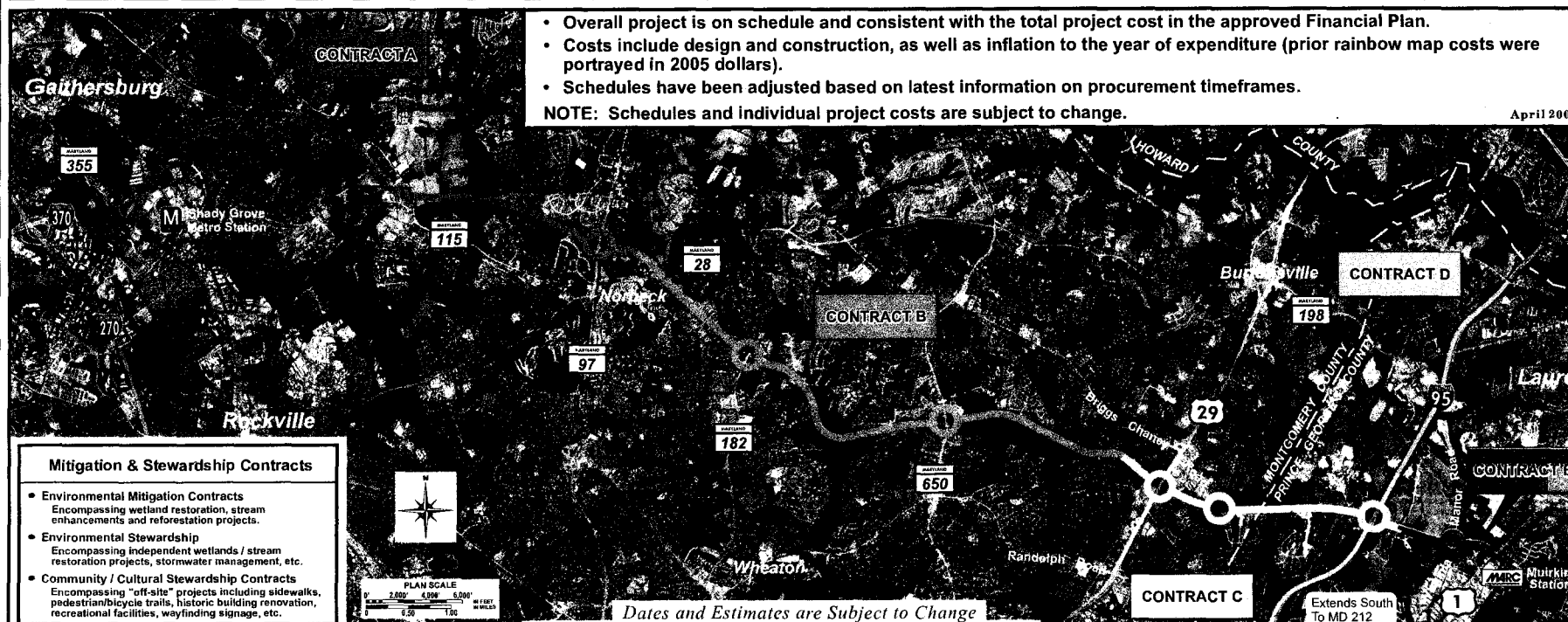
- Environmental Defense Fund and the Sierra Club versus the US Department of Transportation, the Federal Highway Administration, the Metropolitan Washington Council of Governments, and the National Capital Region Transportation Planning Board
- The Audubon Naturalist Society, the Maryland Native Plant Society, and two individuals versus the US Department of Transportation, the Federal Highway Administration, and the US Army Corps of Engineers

Two lawsuits have also been filed against SHA in the Circuit Court for Montgomery County.

- Shady Grove Woods Homeowners Association
- Winchester Homes

Attachment One summarizes the Planning Board's ICC briefing schedule since 2003.

DH:tc



<p>Contract A I-270 / I-370 to MD 97 <small>Contract # AT3765C60</small></p> <p>\$478.7M <small>(Year of Expenditure \$)</small> RFQ: Aug. 2006 RFP: March 2007 NTP: Late-2007</p>	<p>Contract B MD 97 to US 29 <small>Contract # AT3765C60</small></p> <p>\$410M to \$460M <small>(Year of Expenditure \$)</small> RFQ: Aug. 2006 RFP: March 2007 NTP: Late-2007</p>	<p>Contract C US 29 to I-95 <small>Contract # AT3765C60</small></p> <p>\$460M to \$520M <small>(Year of Expenditure \$)</small> RFQ: Aug. 2006 RFP: March 2007 NTP: Late-2007</p>	<p>Contract D Collector-Distributor Roads Along I-95 <small>Contract # AT3765D60</small></p> <p>\$60M to \$75M <small>(Year of Expenditure \$)</small> Ad: Early 2009 NTP: Mid-2009</p>	<p>Contract E I-95 to US 1 <small>Contract # AT3765E60</small></p> <p>\$50M to \$65M <small>(Year of Expenditure \$)</small> Ad: Early 2009 NTP: Mid-2009</p>
<p>3.7 Mainline Miles 2.5 Miles Along I-95 2.0 Miles Along US 29 1.1 Miles of SB I-95 Reconstr.</p>	<p>3.7 Mainline Miles 2.5 Miles Along I-95 2.0 Miles Along US 29 1.1 Miles of SB I-95 Reconstr.</p>	<p>3.7 Mainline Miles 2.5 Miles Along I-95 2.0 Miles Along US 29 1.1 Miles of SB I-95 Reconstr.</p>	<p>3.0 Collector-Distributor Miles 4.9 Miles of I-95 Resurfacing</p>	<p>3.0 Collector-Distributor Miles 4.9 Miles of I-95 Resurfacing</p>
<p>510,000 SY Paving 2.45M CY Cut</p>	<p>510,000 SY Paving 2.45M CY Cut</p>	<p>510,000 SY Paving 2.45M CY Cut</p>	<p>110,000 SY Paving 315,000 SY Milling & Resurfacing 1.10M CY Cut</p>	<p>110,000 SY Paving 315,000 SY Milling & Resurfacing 1.10M CY Cut</p>
<p>19 New Dual Bridges 7 New Single Bridges</p>	<p>19 New Dual Bridges 7 New Single Bridges</p>	<p>19 New Dual Bridges 7 New Single Bridges</p>	<p>1 New Single Bridge</p>	<p>1 New Single Bridge</p>



Governor: **Martin O'Malley**
Lt. Governor: **Anthony G. Brown**

MDOT Secretary: **John D. Porcari**
Deputy Secretary: **Beverley K. Swaim-Staley**

MdTA Exec. Secretary: **Ronald L. Freeland**
SHA Administrator: **Neil J. Pedersen**

ATTACHMENT ONE

Intercounty Connector Planning Board Briefing Schedule

As of July 5, 2007

PART I. ICC STUDY

Prior SHA Activities

- Scoping Public Open Houses - June 2003
- Alternatives Public Workshops - November 13, 15, and 19, 2003

County Council Activities

- Comment on ARDS per November Public Workshops - December 1, 2003

Study Briefing # 1 – January 22, 2004 (2.0 hours–no public testimony) - COMPLETED

Topics:

- Review ICC Study Background and Schedule
- Review Draft Alternates Retained for Detailed Study (ARDS)
- Review County Council Comments on ARDS
- Review 1989 Memorandum of Understanding (MOU) with SHA re: parkland impacts
- Review M-NCPPC staff involvement in SHA study

Interim SHA Activities

- ARDS selection - February 2004

Study Briefing # 2 – March 4, 2004 (1.5 hours – no public testimony) - COMPLETED

“Property Owner” topics

- Staff proposal defining how “equal quality” parkland will be assessed per MOU (Hench)
- Means by which park owner statements can influence Section 4(f) impacts analysis (SHA)

“Planning / Zoning Authority” topics

- Review proposed briefing schedule (Valladares)
- Confirmation that Planning Board process dovetails with SHA process (SHA)
- Update on selected ARDS package (SHA), response to Council / Board comments

Interim SHA Activities

- Draft Environmental Stewardship materials - March 2004
- Expert Land Use Panel Analysis Findings - June 2004
- Draft Travel Demand Analysis materials - April 2004
- Draft Cultural Resources Effects materials - May 2004
- Preliminary Draft Socioeconomic and Land Use Technical Report - 10 May 2004.
- Preliminary Draft Noise Quality Technical Report - 10 May 2004.
- Draft Section 4(f) Evaluation materials - May 2004

Study Briefing # 3 – June 3, 2004 (2 hours – no public testimony) - COMPLETED	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Review of SHA Draft Section 4(f) Impacts report • Staff proposal for candidate replacement parklands that would satisfy MOU (Hench) • Staff proposal for Section 4(f) impacts analysis 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Review SHA’s interim draft technical report findings • Review Environmental Stewardship process and findings • Staff proposal for policy guidance on balancing natural / cultural / community resource protection and enhancement

Interim SHA Activities

- Public Informational Update Meetings - June 2004
- Draft Natural Environmental Technical Report - June 2004
- Draft Air Quality Technical Report - June 2004

Study Briefing # 4 – July 15, 2004 (4 hours) - COMPLETED	
Include Public Testimony on Staff Recommendations	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Planning Board comment to SHA on staff proposals for MOU and candidate replacement parkland 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Planning Board comment to SHA on staff proposals for policy guidance on balancing natural / cultural / community resource protection and enhancement • Review SHA’s interim technical report findings • Review Environmental Stewardship process and findings

Interim SHA Activities

- DEIS Publication – November 22, 2004
- Joint Location, Design and Corps of Engineers Section 404 Public Hearings - January 4, 5 & 8, 2005

Study Briefing # 5 – January 13, 2005 (2 hours – no public testimony) - COMPLETED	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none">• Review draft 4(f) findings• Staff proposal on parkland mitigation concepts for inclusion in FEIS (both Corridor 1 and Corridor 2)• Park staffing impacts• FY 05 & 06 Operating and CIP Budget/Work Program impacts	<ul style="list-style-type: none">• Review DEIS summary of findings• Air Quality Conformity/COG• Review SHA Public Hearings• Present menu of options for Preferred Alternative• Planning Board comment on additional supplementary information requested of staff for Briefing #6.• Review proposed briefing schedule

Interim SHA Activities

- Joint Location & Design / Section 404 Public Hearing - January 29, 2005

Study Briefing # 6 – February 3, 2005 (4.5 hours) – COMPLETED	
Include Public Testimony on Staff Preferred Alternative Recommendations	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none">• As necessary	<ul style="list-style-type: none">• Planning Board recommendations on Preferred Alternative.• Review proposed briefing schedule

Interim Activities

- Conceptual Mitigation Package to IAWG - March 2005
- Preliminary FEIS preparation - May 2005
- Identification of State Preferred Alternative - July 11, 2005

Study Briefing # 7 – July 28, 2005 (2.5 hours) - COMPLETED	
Include Public Testimony on Parkland Mitigation Package	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Planning Board comments to SHA on staff proposals for parkland mitigation and compensation concepts for SHA/MdTA Preferred Alternative. 	<ul style="list-style-type: none"> • Review proposed briefing schedule

Study Briefing # 8 – September 15, 2005 (2 hours) - COMPLETED	
Parkland Replacement	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Recommendations on appropriate Parkland Replacement Mitigation. 	<ul style="list-style-type: none"> • Review proposed briefing schedule

Interim Activities

- FEIS Publication – January 3, 2006
- FHWA Record of Decision – May 29, 2006
- COE issues 404(C) permit – June 13, 2006
- MDE issues non-tidal wetlands, waterway construction and 401 permits – June 23, 2006

PART II. ICC PROJECT

MCPB Resolution 06-61- July 6, 2006 – COMPLETED
Include Public Testimony on ALARF Property Transfer
Fourteen ALARF parcels needed in their entirety for the ICC

ICC Project Mandatory Referral - July 13, 2006 – COMPLETED
MR 06809-SHA-1 – Public Testimony

ICC Project Mandatory Referral-July 20, 2006 – COMPLETED
Mandatory Referral MR 06809-SHA-1 - Discussion

- Staff recommendations summarized in 15 summary comments, with 77 comments in Attachment B
- Planning Board added 16th condition to continue monthly status report briefings

Status Report # 1-September 21, 2006 – COMPLETED
Most elements of briefing deferred from September 14, 2006 roundtable

Project Briefing # 1-September 28, 2006 – COMPLETED
Include Public Testimony on Revising Limits of Disturbance at Station 174 and Station 324

Interim Activities

- SHA response to Planning Board's mandatory referral MR 06809-SHA-1 correspondence

Status Report # 2-October 26, 2006 - COMPLETED

Interim Activities

- SHA completes final Contract A RFP Addendum

MCPB Resolution – December 7, 2006 - TABLED
Include Public Testimony on ALARF Property Transfer
Remaining portions of ALARF parcels needed for the ICC

Status Report #3 – December 7, 2006 - COMPLETED
SHA response to mandatory referral conditions

Status Report #4 – February 1, 2007 - COMPLETED
Presentation of Special Protection Area (SPA) water quality commitments

Status Report #5 - February 8, 2007 – COMPLETED
Discussion of technical items from tabled December 7, 2006 session

MCPB Resolution – February 15, 2007 - COMPLETED
Resumption of tabled 12/7/06 agenda item
Remaining portions of ALARF parcels needed for the ICC

Status Report #6 - March 8, 2007 - COMPLETED
Parkland property transfer schedule, EMT staffing, and CM/ES project status

MCPB Resolution – March 8, 2007 - COMPLETED
Include Public Testimony on Park Property Transfer
Transfer of parkland from M-NCPPC to SHA for Contract A

Status Report #7 – May 10, 2007 - COMPLETED
Trolley Museum and Llewellyn Property park development update

Status Report #8 – July 12, 2007
Status of mainline contracts and mandatory referral action items

Project Briefing # 2 – September 6, 2007
Include Public Testimony on Revising Limits of Disturbance at Oak Springs Pond

MCPB Resolution – September 27, 2007
Include Public Testimony on Park Property Transfer
Transfer of parkland from M-NCPPC to SHA for Contracts B and C
Includes agreements regarding all replacement property transfers from SHA to M-NCPPC

**Continuing status reports as warranted by events or associated with related
Planning Board actions**

PART III. ICC MITIGATION/STEWARDSHIP PROJECTS

Project NW-128 - July 13, 2006 – COMPLETED Mandatory Referral MR 06903-SHA-1 on wetlands creation site	
---	--

Future mandatory referral reviews to be scheduled beginning in late 2007.