

LAW OFFICES
MICHAEL B. McGOVERN

5335 WISCONSIN AVENUE, NW
SUITE 440
WASHINGTON, DC 20015

TELEPHONE 202-833-9700
lawoffices@mcgovern.us.com

MICHAEL B. McGOVERN*
*Also admitted in Maryland

June 22, 2020

BY EMAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maryland-National Capital Park and Planning Commission
c/o Ms. Asuntha Chiang-Smith
Public Information Act Representative
6611 Kenilworth Avenue, Suite 402
Riverdale, MD 20737

Re: Public Information Act Request for Documents Related to Decisions From 2017 to Present Related to the "Road Diet" at the Capital Crescent Trail Crossing of Little Falls Parkway.

Dear Ms. Chiang-Smith:

On behalf of the Citizens Coordinating Committee on Friendship Heights, pursuant to the Maryland Public Information Act (PIA), Title 4, I am requesting an opportunity to inspect or obtain copies of public records (hereinafter, "records"), in paper, electronic or other form, between 2016 to present related to the following decisions by the Montgomery County Parks Department:

A. The decision in January, 2017 to close two lanes of traffic on Little Falls Parkway between Hillandale Road and Arlington Road. This is the existing "Road diet" created after the death of a cyclist crossing Little Falls Parkway on the Capitol Crescent Trail.¹

B. The decision by the Planning Board on September 12, 2019, to reverse its June 13, 2019 decision, and instead retain the midblock crossing of the Capitol Crescent Trail over Little Falls Parkway.²

¹ This closure occurred without any public discussion or review. There were no advance signs posted prior to this change; there was no notice to the adjacent communities or the communities off River Road, Little Falls Parkway or Massachusetts Avenue, and beyond. One result was great confusion and increased traffic on neighboring streets.

² This action was taken at a private work session without any advance notice of this decision or chance for public comment or input. Furthermore, the Planning Board approved a "temporary" traffic table at the crossing.

Maryland-National Capital Park and Planning Commission
Public Information Act Representative
June 22, 2020
Page Two

C. The decision to fully close Little Falls Parkway for three days per week starting in April 2020..

The specific Requests are set forth in the Attachment to this letter.

The Citizens Coordinating Committee on Friendship Heights is a nonprofit organization engaged in zoning and planning issues for 18 communities in the vicinity of Friendship Heights. If there are any fees for searching or copying these records, we request waiver of all fees since the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of this situation. In the event that the fee waiver is not granted, the fees that we are willing to pay (excluding any copying) are limited to \$100.00.

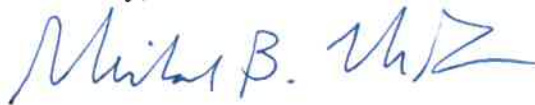
This information is not being sought for commercial purposes.

The Maryland Public Information Act requires a response to this request within 30 days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for processing our request.

Sincerely,



Michael McGovern
Attorney for the Citizens Coordinating Committee
on Friendship Heights

Attachment

Copies to:

Hon. Brian Frosh, Maryland Attorney General
Hon. Marc Elrich, Montgomery County Executive
Hon. Sidney Katz, President, Montgomery County Council
Hon. Andrew Friedson, Member, Montgomery County Council
Hon. Casey Anderson, Chair, Montgomery County Planning Board
Mike Riley, Director, Montgomery County Department of Parks

ATTACHMENT – PUBLIC INFORMATION ACT REQUESTS
(to Letter of June 22, 2020 to M-NPPC)

This PIA request is to the M-NPPC/Montgomery County Parks Department to provide documentation about each of the specific directives on the three actions listed in the letter.

1. In a June 13, 2018 community meeting at Somerset School Montgomery County Parks Department provided a hand-out including a page labeled Project Schedule. The heading for Winter 2018/2019 said: *Present Preferred Alternative (30% Design) to Planning Board for Approval* and also, *Develop CIP Funding Request in Coordination with MC DOT*.

Please provide documents memoranda, emails, and correspondence justifying the early selection of a preferred alternative prior to consideration of the public preference as expressed in the Parks Department public survey, and in the public Planning Board hearing on June 13, 2019.

2. Provide copies of all documents, memoranda, emails, etc., as to expenses associated with the internal decision-making steps the Department took to implement the three closure alternatives. Include copies of all official documents, notices, press releases, and internal emails directing these closures.

3. A traffic report was done by Sabra & Associates on the Capital Crescent Trail crossing over Little Falls Parkway. The traffic report did not take into account the pending and future development of downtown Bethesda, and the area of the Westbard Sector Plan, or the impact that such development and future development will have on traffic on Little Falls Parkway and the entire area in the future.

Provide all documents, memoranda, emails, and correspondence justifying excluding consideration of pending development and future growth of traffic and impact on the surrounding communities. In addition, provide the following documents regarding:

- (a) consultation with Montgomery County DOT on this issue;
- (b) the cost of the Sabra & Associates study; and
- (c) the decision to provide a complete traffic analysis only for the midblock crossing while providing only cursory analysis of the bridge and signal crossing alternatives. (Note: the signal crossing is in compliance with Vision Zero).

4. Provide documents pertaining to the decision to apply Vision Zero to Little Falls Parkway, which is a heavily trafficked road by commuters. Public information about Vision Zero clearly states that it is not appropriate for all roadways and specifically commuter roads. Provide documentation of any actions taken to make the closures permanent, such as the traffic table.

5. Reference the governing bylaws, regulations, or statutes that your agency relied on to allow MNCPPC/Montgomery County Parks Department to take these actions without public notice or comment.

6. Provide documents, memoranda, emails, and correspondence of the expenses incurred to create the 30% engineering drawings for the midblock crossing on Little Falls Parkway that were complete by April 19, 2019.

7. On August 28, 2019 all Little Falls Parkway stakeholders met at the site to review the situation. All parties appeared in concurrence with proceeding in accordance with the directive of the June 13, 2019 Planning Board decision to proceed with the crossing at the signal.

Provide documents, memoranda, emails, and correspondence that relate to the decision of the Planning Board to indefinitely defer implementation of the June 13, 2019 decision to proceed with the Trail crossing at the signal and keep the “road diet” in place.

8. If not provided already in response to the requests numbered 1-7, please provide all documents, memoranda, emails, and correspondence as to the following:

(a) The decision in early January, 2017 to close two lanes of traffic on Little Falls Parkway between Hillandale Road and Arlington Road. This is the existing “Road diet” created after the death of a cyclist crossing Little Falls Parkway on the Capitol Crescent Trail.

(b) The decision by the Planning Board on September 12, 2019, to reverse its June 13, 2019 decision, and instead retain the midblock crossing of the Capitol Crescent Trail over Little Falls Parkway.

(c) The decision to fully close Little Falls Parkway to automobiles for three days per week starting in April 2020.