

**January's Program: How Do You Solve a Problem Like WMATA?** | Two speakers will explore the issues as transit services face new alternatives that challenge old assumptions | [MORE](#)

**Volunteers Sought for MCCF** | Help us fill elective positions and plan our Annual Awards event in May | [MORE](#)

**Coming Next Month: The 4th Annual Budgetpalooza!** | Take a chapter of the MCPS operating budget and tell us about it | [MORE](#)

**M-NCPPC Speakers Series on Transportation** | 'Smart Moves: New Ideas About Bikes, Cars, and Transit' | [MORE](#)

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**Mark Your Calendars** | Five of the next six MCCF meetings will move to the Executive Office Building in Rockville | [MORE](#)

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**TO PRINT, USE "PRINT VERSION."**

## of note

**Next MCCF Meeting: New Venue!**  
January 11, 2016, 7:45 p.m., the Lobby Level Auditorium @ the Executive Office Building in Rockville. "How Do You Solve a Problem Like WMATA?"  
[AGENDA](#) • [PROGRAM](#)

**January's Community Hero**  
It's *Tom Hearn*, who has advocated for many years to increase knowledge and awareness of concussions on student athletes.  
[READ PROFILE](#)

**December Meeting Minutes**  
[MCCF #871](#) • [EXECUTIVE CMTE.](#)

**Membership Application**  
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## Federation Meeting #872

Monday, January 11, 2016

7:45 p.m.

**Lobby Level Auditorium**

**Executive Office Building**

**101 Monroe Street**

**Rockville, Maryland**

### AGENDA

7:45 Call to Order/Introductions

7:50 Approval of Agenda

7:51 Announcements

7:55 Approval of Minutes,  
December 14 meeting

7:56 Treasurer's Report

7:58 Community Hero:  
Tom Hearn

8:00 Program: Discussion on  
WMATA

9:20 Committee Reports

9:35 Old and New Business

9:45 Adjournment

## About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June, at 7:45 p.m., *usually* in the First Floor Auditorium of the County Council Office Building in Rockville, Md.

***Please note the change of venue for the January meeting!*** Same time as usual (7:45 p.m.), but it will be held in the *Lobby Level Auditorium* of the **Executive Office Building at 101 Monroe Street in Rockville.**

Meetings are usually adjourned by 10:15 p.m. at the latest. Parking is free after 6:00 p.m. in the garage accessed at the corner of Monroe St. and Jefferson St. (Route 28 heading east from I-270). There's also free parking in the EOB lot. **MORE ON**

**PARKING** ■

# mccf

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public (agenda and details at left).

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors. Permission is granted to reproduce any article, provided that proper credit is given to the "*Civic Federation News* of the Montgomery County (Md.) Civic Federation."

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**TO SUBMIT AN ARTICLE, SEE PAGE 23**

## January Meeting Program: How Do You Solve a Problem Like WMATA?

*By Jim Zepp, First Vice President*

While much of the County government's attention for the last three years has been focused on creating a new transit agency and services, the Washington Area Metropolitan Transit Authority (WMATA) operations and finances have reached a boiling point for citizens and D.C.-area governments. Our program on Monday, January 11, will explore the issues that the agency's management and participating governments must successfully address as transportation and transit services are moving into an uncertain future with new alternatives challenging old assumptions and approaches.

WMATA provides the D.C. Region's transit backbone with:

■ MetroRail—a subway system consisting of 118 track miles, 91 sta-

tions, and 1,104 train cars;

■ MetroBus—328 local and express bus routes using 1,515 buses;

■ MetroWay—the region's only bus rapid transit system (BRT) which serves a 6.8-mile area of Route 1 near Crystal City that includes portions of both Alexandria and Arlington; and

■ MetroAccess—a transit service with 600 vehicles serving over two million passengers with disabilities a year.

MetroRail's most recent operating budget is \$1.02 billion, Metrobus's is \$618 million, MetroWay's is \$1.8 million (Alexandria's share only), and MetroAccess' is \$114 million. While MetroRail's ridership has been declining since 2009, Metrobus's has been generally increasing, but fare revenues have fluctuated

over the last three years. Over the next 10 years, WMATA's expenses are expected to increase annually by 6%, while revenues are projected to grow by only 1%, a relationship that will result in multibillion-dollar deficits. About 70% of WMATA's operating costs are personnel. More information on [WMATA's FY17 budget is available here](#).

About 58% of its operating budget is derived from fares and other revenues, which is one of the highest rates of self-support among transit agencies in the country. You can see [an interactive map showing the fare revenue for each Metro station by time of day here](#). Unlike other major transit agencies, WMATA has no dedicated funding sources (i.e., taxes) to rely on, although many of

## January Program, cont.

those other agencies are also dealing with major revenue shortfalls. WMATA received operating subsidies from state and local governments of \$778,056,000 in FY15. Montgomery County contributed \$130,259,000 of that total amount.

WMATA is not alone in coping with complaints about service reliability, difficulties over ridership declines, revenues not keeping up with expenses, aging infrastructure, and a growing array of competing transportation alternatives. What problems that four other major transit agencies have experienced and the strategies they employed are described in these articles:

- [Atlanta, Georgia.](#)
- [Cleveland, Ohio.](#)
- [Houston, Texas.](#)
- [Portland, Oregon.](#)

Several serious accidents and deaths that have occurred since 2009 and other safety issues have resulted in the Federal government assuming oversight responsibility for the agency's safety operations. Over the last 10 years, the agency has had four different General Managers and it has taken nearly a year for the selection of its newest GM, Paul J. Wiedefeld, who started on November 30th.

In addition, the emerging challenges of new transportation services such as Uber, Lyft, and Bridg, as well as driverless technologies, are altering the landscape for future transportation planning. [A recent National League of Cities report](#) found that most major cities are failing to acknowledge or prepare for the potential impacts of these developments in their transportation plans.

So WMATA is at a critical point in its existence with massive challenges affecting its operational and financial future. The January program will discuss what alternatives the agency is and should be considering and the potential impacts on Montgomery County and the Region. The evening's two speakers will be:

■ **Shyam Kannan**, LEED AP; Managing Director, WMATA Office of Planning. Mr. Kannan brings extensive planning and transit-oriented development experience in the public and private sectors to WMATA (Metro). At Metro he directs the Authority's strategic planning efforts, called Momentum, as well as supervising long-range planning, sustainability, and smart growth. He has a particular interest in the economic benefits of transit as well as coordinating closely with the

## January Program, cont.

business community in the region. Active in the region's planning community, Mr. Kannan is a committee member of the Urban Land Institute, the Region Forward Coalition of the Metropolitan Washington Council of Governments, and is an adjunct Faculty Member of Georgetown University. Mr. Kannan has a Master's Degree in Public Policy and Urban Planning from Harvard University, and is a graduate of the University of Virginia.

■ **Bob Fogel** is a member of the WMATA Rider Advisory Council (RAC). He has served as a consultant to the National Association of Regional Councils, 2014-2015; and retired as the Senior Legislative Director at the National Association of Counties, 1985-2013. He graduated from the University of Wisconsin. ■

## January's Community Hero: Tom Hearn, For Work on Concussions and Sports Safety

by Paula Bienenfeld, President

The Civic Federation is honored to recognize Tom Hearn as a Community Hero. Hearn has advocated for many years to increase our knowledge and awareness of concussions and their effects on our student athletes—particularly in football—and to push for safeguards in school sports.

This recognition comes at the same time as the release of the movie *Concussion*, which explores chronic traumatic encephalopathy or CTE, the illness which is caused by repeated blows to the head. A telling editorial, “**Don't Let Kids Play Football,**” by Bennet Omalu, the physician who first recognized CTE, was recently published in the *New York Times*.

Mr. Hearn has advocated tirelessly for years to bring the issue of brain

injuries caused by student football and other sports to the public discussion in Montgomery County and the State of Maryland. His son received a concussion while playing Junior Varsity football at Walt Whitman in 2011. As part of his ongoing advocacy, Hearn manages the twitter account, [@ConcussionMCPS](#).

In 2012, Hearn testified before the County and State Boards of Education, urging them to require that parents receive more training to recognize concussions and the effects of concussion, and limiting contacts.



## Community Hero, cont.

He presented a petition to the State Board of Education requesting the same.

As a result of his actions, in 2012, the State Department of Education required that, by August 31st of that year, all coaches be required to be trained in concussion risk management, and all students receive a medical assessment if there's a suspected injury to them. In addition, the student is not allowed back on the field unless cleared by a doctor or healthcare professional. Hearn also requested that there be disciplinary measures if coaches did not follow concussion procedure, but the Department of Education declined to include that in its action.

In addition, thanks to Hearn's efforts, in late 2014 Montgomery County finally placed certified ath-

letic trainers at all of its 25 public high schools. Thus the county joins Anne Arundel, Charles, Howard, Arlington, and Prince William Counties. Fairfax County has two athletic trainers at each of its public schools. In the 2014-15 football season, Montgomery County student football players had 116 diagnosed concussions. The highest episodes were at Quince Orchard, with 15 diagnoses in 2014. Across all school sports, there were 364 diagnosed concussions in the 2014-15 school year.

As further scientific studies are conducted and the risk of long-term brain trauma from concussions caused by high school football is becoming clear, the question has changed from one of athlete safety to asking, should our children be playing football at all. Tom Hearn has been at the forefront of this issue. Congratulations, Tom! ■

## Mark Your Calendar: Meeting Dates and Venues

Because of construction in our regular meeting room, most of our meetings during the first half of 2016 (1/11, 2/8, 3/14, 5/9, 6/13) will be held in the **Lobby Level Auditorium of the Executive Office Building, 101 Monroe Street, Rockville.** (April's venue TBD.) Free parking is available on the second (lower) level of the EOB Garage. To use this, you must drive down to the lower level and press the button to tell the Security Office that you are attending the MCCF Meeting in the Auditorium; buzz Security a second time at the elevators. Or you may park (also free) in the COB garage across East Jefferson and enter the EOB from the doors into the cafeteria on the Terrace Level. Either way, be prepared to buzz Security! ■

## Volunteers Sought for Mont. County Civic Federation Nominations, Awards Committees

### NOMINATIONS COMMITTEE

We need volunteers, including a chairman, to serve on the Civic Federation's Nominating Committee. There is no better way to help highlight shared County concerns and provide a bigger voice for residents and their civic associations than by serving on the MCCF Executive Committee. The Nominations Committee will be responsible for filling the elective positions for the year 2016-2017: President, First Vice President, Second Vice President, Secretary, and Treasurer.

Most work will be done by email and telephone, so no meetings or travel are involved! Please contact President Paula Bienenfeld at 240.899.2335 or [paula\\_bienenfeld@yahoo.com](mailto:paula_bienenfeld@yahoo.com) to volunteer to help with this important task.

### 2016 AWARDS COMMITTEE

The Civic Federation's Annual Awards Event in May may seem a long way off, but truly, there is much to be done within the coming months. The work of this committee is two-fold. First, the committee asks for nominations for award recipients, evaluates those nominations, and makes final recommendations to the Executive Committee. Second, the committee organizes the actual event. Much of the committee's work is carried out during the winter, and much of the work may be done by phone. The Awards Committee will be confirmed at the February Executive Committee meeting. Volunteers, please step forward! We need your insights, intelligence, and enthusiasm. Contact President Paula Bienenfeld to let her

know that you're willing to serve.

Our delegates and members should also start thinking about individuals and/or groups you would like to nominate. Here are the descriptions of the awards and the rationale for each award:

**! The Wayne Goldstein Award** is awarded to an individual or group for outstanding service to the people of Montgomery County.

**! The Sentinel Award** is sponsored by *The Montgomery Sentinel* newspaper and awarded to an individual or group for a significant contribution to good government at the local level.

**! The Star Cup** is sponsored by the Federation and to be awarded to a Delegate or Committee of the Federation for outstanding public service on behalf of Mont. County. ■

## Coming in February: The Fourth Annual *Budgetpalooza!*

By Paula Bienenfeld, President

Each year we join with our colleagues at the **Parents' Coalition of Montgomery County** and the Montgomery County Taxpayers League to organize the deep dive into the \$2.4 billion Montgomery County Public Schools (MCPS) Operating Budget, and this coming year is no exception.

We are organizing the work and as usual, will hold the ***Budgetpalooza!*** in February 2016. All are welcome and encouraged to “take a chapter.” All the chapters and appendices will be posted to [www.signupgenius.com](http://www.signupgenius.com) and we will tweet out the link once that has been done by your Civic Federation board members. The chapter-by-chapter analysis ... that’s up to you!

The FY2017 Operating Budget was presented to the Board of Edu-

cation (BOE) by the Acting Superintendent, Larry Bowers, on December 8th. It includes a 4.5% increase.

Read the budget. \$2.4 billion is a lot of money, and it’s all public money. Every penny.

### **BUDGETPALOOZA!**

The current MCPS FY16 budget is \$2.39 billion, about half of our entire county budget. All the rest of our needs—including fire, police, libraries, roads, environment, the health and welfare of our indigent and most needy, everything else—were funded out of the remaining half of our annual budget. The County Council has the fiduciary responsibility to approve the MCPS budget.

Public hearings before the BOE

are scheduled for January 7th and 14th, 2016, with BOE work sessions to follow. The BOE takes action on the proposed FY17 Operating Budget at their meeting on February 9th, 2016.

And that’s where we step in, to do the deep dive that the BOE refuses to do. The Civic Federation believes that our public schools are important to the quality of life in the county, and that the enormous MCPS budget—about half of our entire county budget, remember—requires close and constant scrutiny. So, as we’ve done that past three years, we’re taking on that challenge again.

We encourage you to sign up to take one chapter, review it, and present it at our Fourth Annual ***Budgetpalooza!*** ■



## M-NCPPC Speakers Series: ‘Smart Moves: New Ideas About Bikes, Cars, and Transit’

*By Jim Zepp, First Vice President*

We hope our upcoming Program on WMATA and our ongoing discussions about transportation including the proposed Bus Rapid Transit system and biking will have captured your interest. If you want to get informed and involved in greater depth, consider attending one or more of the upcoming sessions. The Maryland-National Capital Park and Planning Commission (M-NCPPC) is holding a three-part Winter Speaker Series in 2016 that will focus on transportation. “**Smart Moves: New Ideas about Bikes, Cars, and Transit**” will address new approaches to cycling, transit, trails, and other alternatives to cars. The ideas generated from the series will help inform the Department’s current plans and policies, including the Bicycle Master

Plan and Subdivision Staging Policy update. The Winter Speakers Series is free and open to the public.

The presentations, which will include question-and-answer discussions, will be held at the Planning Department headquarters (8787 Georgia Avenue, Silver Spring, Md.) from 6:00 p.m. to 7:30 p.m. on the dates indicated below.

### **SESSION 1**

**Wednesday, January 20, 2016**

***Putting the Transition Back in Transit: Bringing a Market Analysis Perspective to Transit Planning Using Big Data***

*Speaker: Nat Bottigheimer, D.C. Region Market Lead, Fehr & Peers, Washington, D.C.*

Nat Bottigheimer of D.C.-based Fehr & Peers is a transportation

planner with a background in public policy and real estate economics. Until 2012, Nat was an assistant general manager at Washington Metropolitan Area Transit Authority (WMATA), where he promoted bike and pedestrian access, sustainability, and bus priority investment. He has expertise in planning for rail station access, transit, and land use, and is a recognized expert in transit-oriented development.

### **SESSION 2**

**Tuesday, February 16, 2016**  
***Recent Approaches to Suburban Bicycle Planning***

*Jennifer Toole, President, Toole Design Group, Silver Spring, Md.*

Jennifer Toole, president of Toole Design Group in Silver Spring,

## Speakers Series, cont.

has a keen understanding of how to design streets that work for all users. She has been involved in numerous projects of national significance for the Federal Highway Administration, American Association of State Highway and Transportation Officials, and the National Highway Traffic Safety Administration. In 2008, Toole was honored with the “Professional of the Year” award from the Association of Pedestrian and Bicycle Professionals.

**FYI: MONTGOMERY PARKS IS PLANNING MASTER PLAN UPDATES FOR WHEATON REGIONAL PARK AND IS SOLICITING INPUT FROM THE PUBLIC. TO FIND OUT MORE ABOUT THE PLAN AND HOW YOU CAN SHARE YOUR IDEAS, VISIT THE PARK PLANNING WEBPAGE.**

### SESSION 3

**Wednesday, March 16, 2016**

#### ***Smart Development in Transitional Suburban Locations***

*Jeffrey Tumlin, Principal and Director of Strategy, Nelson/Nygaard, San Francisco, Calif.*

Jeffery Tumlin of San Francisco-based Nelson/Nygaard has led award-winning plans in cities from Seattle and Vancouver to Moscow and Abu Dhabi. He helps balance all modes of transportation in densely developed places to achieve a community’s goals and best utilize limited resources. He has developed plans throughout the world that accommodate millions of square feet of growth with no net increase in motor vehicle traffic. Jeff is the author of the book *Sustainable Transportation Planning: Tools for Creating Healthy, Vibrant, and Resilient Communities*. ■

## Park and Planning Meetings and Ongoing Master Plans

*By Harriet Quinn, Planning & Land Use*

All meetings will be held in the Planning Department Auditorium, 8787 Georgia Avenue, Silver Spring, unless noted otherwise. Consult [Planning Board Agendas](#) for latest details and Staff Reports.

**Thursday, January 7, 1:30 p.m.:** Sixth Planning Board worksession for [Bethesda Downtown Sector Plan](#). Zoning and building heights in the Arlington North, Arlington South, Battery Lane, and South Bethesda Districts will be discussed as time permits.

**Monday January 11, 2:00 p.m.:** Council PHED Committee Workses-

## P&P Meetings, cont.

sion, **Montgomery Village Master Plan**. 7th Floor Council Room, Rockville, Md.

**Tuesday, January 12, 7:00 p.m.:** Community meeting on the Subdivision Staging Policy (SSP), to discuss current school capacity tests and school facility funding as they relate to the staging of development. Feedback from this event will help planners revise the sections related to schools in the current Subdivision Staging Policy. See [newsletter article this issue](#) and [Planning Department website](#).

**Thursday, January 14:** Planning Board Briefing on **transportation-related updates to the SSP**. Planning staff will brief the Board on new ideas for determining transpor-

tation adequacy and will also update the Board on its work to refine the transit component of Transportation Policy Area Review (TPAR) and update trip generation rates.

**Thursday, January 21:** Planning Board work session for the **Bethesda Downtown Sector Plan**. Zoning, building heights and environmental improvements for various districts within the Plan area will be discussed.

**Tuesday, January 26, 7:00 p.m.:** First meeting of **Bicycle Master Plan Community Advisory Group**. The public is invited to observe and to speak at the end of the meeting.

**Tuesday, January 26, 7:30 p.m.:** County Council Public Hearing on the **Westbard Sector Plan**, Council Hearing Room, 100 Maryland

Avenue, Rockville. Community members interested in testifying in person must **sign up in advance online** or call 240-777-7803.

**Thursday, January 28:** Planning Board Briefing. Learn about new metrics and modeling tools that could be used for the transportation analysis as part of the **Subdivision Staging Policy**.

**Thursday, January 28, 7:00 p.m.:** Community meeting to discuss the **Rock Spring Master Plan** will be held at Walter Johnson High School (6400 Rock Spring Drive, Bethesda, Md.).

**Thursday, February 11:** Planning Board Public Hearing on the **Greater Lyttonsville Sector Plan**. ■

## The Subdivision Staging Policy: Future Meetings to Discuss Changes

*By Harriet Quinn, Planning & Land Use*

This is our fifth update in our series on the Planning Board's discussion of possible revisions to the County's Subdivision Staging Policy (SSP, formerly the Growth Policy). This quadrennial policy includes criteria and guidance for the administration of the County's Adequate Public Facility Ordinance (APFO), which matches the timing of private development with the availability of public services infrastructure (roads, schools, transit, water, sewer, public safety).

Policy changes will first be formally presented to the Planning Board in May 2016 for public comment. The County Council will vote on any changes in the Fall of 2016. Our previous SSP updates may be

found in the February, September, November, and December 2015 [MCCF newsletters](#).

Three meetings/briefings are scheduled in January regarding changes to the SSP. All meetings are in the Planning Board Auditorium, 8787 Georgia Avenue in Silver Spring.

**Tuesday, January 12**, at 7:00 p.m.: Community Meeting to discuss current school capacity tests and school facility funding.

**Thursday, January 14**, Planning Board Briefing: Transportation-related updates to the SSP. Planning staff will brief the Board on new ideas for determining transportation adequacy and will also update the Board on its work to refine the transit

component of Transportation Policy Area Review (TPAR) and update trip generation rates. Consult the [Planning Board Agenda](#) for details.

**Thursday, January 28**, Planning Board Briefing: Learn about new metrics and modeling tools that could be used for the transportation analysis as part of the SSP. Consult the [Planning Board Agenda](#) for details.

### **WHO IS PAYING FOR NEW FACILITIES?**

In addition to determining whether facilities in an area are adequate, the policy also helps determine the amount of development impact taxes that are supposed to be paid by new development to fund the

## Subdiv. Staging Policy, cont.

necessary infrastructure.

In October 2015, the Planning Department held an Open House to discuss the SSP and possible revisions. Most of the comments from the community involved the current inadequacy of school capacity, particularly in the Downcounty Consortium in Silver Spring and the Walter Johnson school cluster in Bethesda, two areas where significant development is occurring.

In six of the County's 14 major commercial areas (Silver Spring, Wheaton, Takoma Park, Long Branch, Glenmont, and Gaithersburg Old Town), all new development is exempt from paying any of the transportation and school impact development taxes and school facility payments that are supposed to be collected to fund the corresponding

transportation and school infrastructure to support the new development. The school facility payments are typically charged for areas where the schools are currently over 105% of capacity. The facility payments are to ensure adequate funding for additional capacity, and can only be used to fund capacity-expanding improvements within the cluster in which the development project takes place.

Despite the fact that Silver Spring schools are currently over 105% and projected to be 120% over capacity, developers in that area do not pay any school facility payments. It was recently estimated in an Executive Branch Fiscal Impact Statement that, in Silver Spring alone, the County is surrendering more than \$45 million in new development impact taxes.

In addition, new development near Metro stations receives a 50%

discount from the transportation impact taxes, so six (Friendship Heights, Bethesda, Grovesnor, Twinbrook, Rockville, Shady Grove) of the 15 major commercial areas pay half the fees that developers in other areas pay.

Since the real estate development industry has focused on development near transit stations, does it make sense for the County to be discounting the impact taxes at these desirable locations? According to the Fiscal Impact Statement, if the discount were eliminated, the County could collect an additional \$30 million.

Furthermore, development in White Flint is exempt from transportation impact taxes because they established a "special taxing district." Unfortunately, this taxing district is not generating enough revenue to pay for the necessary infrastructure.

## Subdiv. Staging Policy, cont.

The White Flint area currently has three of the most costly transportation infrastructure projects in the County.

As reported in [the last adopted SSP](#), development impact taxes contribute less than 3.2% to new transportation and school capacity projects. This low level of contribution has an impact on the County's Spending Affordability Guidelines (SAG) and borrowing capacity because the County must borrow more to fund the construction of new facilities. The County's debt service is now the third highest expenditure in the operating budget after public schools and public safety.

Will the County begin to close these loopholes and discounts in 2016 or will they choose to raise taxes on existing residents again to pay

for the infrastructure that developers were previously required to provide to support their development? New development benefits from investments that have already been made by several generations of taxpayers to the infrastructure system of the County.

In June 2015, [County Bill 34-15](#) was introduced to address the inadequacy of development impact tax revenue. So far, due to pressure from developers, this Bill has not been scheduled to proceed to the Committee. The MCCF supports the adoption of Bill 34-15 and urges the County Council to schedule the Bill for worksession as they prepare to discuss the FY 2017 Operating and Capital budgets, as well as the SSP. More information about the Subdivision Staging Policy discussions is available on the [Planning Department's website](#). ■

## County's HOA Tax Rises 66%

*By Louis Wilen*

Starting in 2016, Homeowner's Associations (HOA) in Montgomery County will be required to pay \$5 per unit to the Commission on Common Ownership Communities (CCOC). In 2015, the fee was \$3 per unit.

The county attributes part of the increase to the cost of development and operation of an online training program for HOA board members. [Council Bill 45-14](#), which becomes effective on January 1, 2016, requires each member of an HOA board to complete the training within 90 days of their election or appointment. Current board members do not have to complete the training until they are reappointed. The remainder of the increase is being used to fund five new staff positions in the CCOC, up from one full time staff member in 2015. ■

## A History of MCCF's 'Orphaned Roads' Project, Part 2

By Peggy Dennis, Past President  
[Continued from the *December issue*]

In Part 1 of this History, I explained how I came to obtain the data from Maryland's State Highway Administration on all the public roads which were "maintained by others." And, much as I appreciated the \$250,000 that Councilmember Howie Denis had put into the budget, I thought that the taxpayers should not have to foot the bill for a "private consultant" to provide an "estimate" of how many roads were—like my own—unimproved and privately maintained when hard facts would be more useful.

I spent the autumn of 2005 driving the county with my digital camera, and visited every road that was supposedly "maintained by others." It soon became apparent that many

of the roads listed in the MAARS report were, in fact, built to county standards and maintained—like the northern end of Chrystal Rock Drive and a section of Observation Drive in Germantown—by the county.

Many others were in subdivisions where the homeowners' associations (HOAs) had responsibility for road maintenance and snow plowing. Some, like Hyattstown Mill Road and Prescott Road in Little Bennett Regional Park, were cared for by the Parks Department. Several named public roads were the entrances to schools.

Some 100 roads appeared to be true "orphaned roads," roads which were clearly not built to county standards and were maintained by the residents. How did this strange group of roads come to be? They

were "built" before 1950 when a law was passed requiring all new developments to have roads built to county standards.

About 50% of the orphaned roads had been improved, but not legally and not to county standards. Residents had simply pooled their money and hired a paving contractor to put down asphalt as if the road were a shared driveway. This is technically illegal, but no one had prosecuted them, and the financial incentive to take matters into their own hands was compelling. On one road, the 17 homeowners each paid \$1,000 to have the road paved to a 14-foot width. It was done with no survey, no engineered studies, no permits, no inspections, and no stormwater management features.

## Orphaned Roads, cont.

But it met the needs of the residents and at a very affordable price.

Whenever I saw a resident out for a walk, I would stop and ask who maintained their road and if they were contented with the state of the road. When no one was out and about, I left notes in mailboxes asking for feedback.

My travels took me to Halterman Road bordering Patuxent River State Park, where I met two charming, elderly ladies in Amish-like garb who told me that the gravel road leading to their farm was just fine. I didn't venture down Windswept Lane in Ashton as a "No Trespassing" sign made it clear that visitors were not welcome.

One resident I spoke with on Belle Cote Drive in Burtonsville was happy with her dirt road because it



Peggy Dennis

### **HAWKINS LANE**

was better for horseback riding than asphalt. Some residents on Poplar Hill Road in Potomac wanted the county to rebuild the bridge which had been washed out decades ago, leaving them cut off from their western egress. Residents of Circle Drive in Potomac did not want their road improved because they feared that would invite nonresidents to use it as

a cut-through.

Residents of Kirk Lane in Olney were divided, with some residents adamantly opposed to any construction and others hankering for improvements to end the mud, potholes, and washouts. Another six roads south of Friendship Heights proved to be unnamed alleys that provide a network of charming, green walkways used by walkers and bikers to provide greater "connectivity" within the neighborhood.

Homeowners on Hawkins Lane in Bethesda—a community of modest homes in small yards that had originally been owned by descendants of slaves—had asked DOT to pave their road. When they learned that that would virtually eliminate their front yards, they backed off and petitioned for the protection of "historic preservation" status. But, once



## Orphaned Roads, cont.

that status was granted, they found they could do nothing to maintain, much less improve, their road.

The oddest case of all concerned the residents on Marmary Road in Gaithersburg. They were desperate for their road—which dips down into a low area and reaquently floods—to be improved. It turned out that Marmary Road had been incorrectly listed in the MAARS Report. It is actually private and “owned” by an individual who bought the road at a tax sale when the previous owner filed to pay his real estate taxes. The current owner also pays no real estate taxes on his property but uses his ownership to extort thousands of dollars from new home buyers who must pay for an easement to access their homes.

*To be continued....* ■

## Minutes of the December 14, 2015, Meeting #871

*By Jean Cavanaugh, Co-Recording Secretary*

**Call to Order:** President Paula Bienenfeld called the meeting to order at 7:50 p.m. **Introductions** by attendees followed.

**Agenda:** Paula Bienenfeld called for and received approval of the agenda.

### ANNOUNCEMENTS

■ The next MCCF meeting on Monday, January 11, 2016, will be held at the Montgomery County Executive Office Building, 2nd Floor Auditorium, 101 Monroe Street, Rockville, Md. Meetings will be held in the EOB in February, March, May, and June also.

■ The Department of Permitting Services (DPS) held a public hear-

ing on December 17, 2015, to gather input and comments on **MCER No. 21-15**, a proposed regulation to adopt the 2012 International Green Construction Code, with amendments. IGCC is the first model comprehensive code that addresses the life cycle of a construction project. The County has worked on adaptation for four years.

■ The Fourth Annual Budget-palooza, sponsored by MCCF and the Montgomery County Taxpayers League, will be held either the second or third week of February. Acting MCPS director Larry Bowers announced the **\$2.4 billion MCPS budget** on December 8, 2015. MCCF will use Sign Up Genius to invite participants to review a chapter or appendix of the MCPS budget.

**MORE**

## December Minutes, cont.

■ WJLA broke the story revealing **elevated levels of radon in County public schools**. MCCF member Louis Wilen discovered the high radon levels through a public information request.

■ MCCF's Louis Wilen wrote a White Paper on a County real property tax credit going to ineligible homeowners, leading to a loss of \$52 million in tax losses for the County. **The report is on the MCCF website.**

**Minutes:** Paula Bienenfeld called for and received approval of the November 9, 2015, minutes as published in the latest newsletter.

**Treasurer's Report:** Jerry Garson reported MCCF's bank balance is \$13,392.

**Program:** **Office of Legislative Oversight** (OLO) staff presented three reports they authored on various aspects of the County's public school system. The three reports reviewed were: "A Review of the MCPS Revitalization/Expansion Program," "Memorandum Report: Excel Beyond the Bell," and "Resources and Staffing among MCPS Schools." The OLO provides accurate information, analysis, and independent findings and recommendations to the County Council. The Council assigns OLO's research assignments.

■ OLO analysts Aron Trombka and Stephanie Bryant presented "**A Review of the MCPS Revitalization/Expansion Program.**" Revitalization and expansion refers to the school construction program, the most watched project in the County's Capital Improvement Program (CIP).

OLO's analysis showed the most frequent outcome of a school revitalization/expansion is a tear down and reconstruction project. For FY12 through FY16, revitalization/expansion expenditures totaled \$578.2 million or nearly half of total MCPS capital expenditures.

This budget pays for building two to three school buildings a year. MCPS has concluded that reconstruction is less costly than renovation; 18% of the MCPS CIP budget is spent on extending the life of existing school buildings. MCPS uses a Facilities Assessment with Criteria and Testing (FACT) methodology to assess schools' condition and placement in a revitalization queue.

OLO's analysis found that there is no bias in school construction decision-making. There is a geographic disparity based on the age of

## December Minutes, cont.

construction. Schools newer than 30 years are not assessed.

OLO found that the length of the queue of schools to be revitalized/expanded is long and would take 20 to 30 years to complete. The queue is not updated and schools are not reassessed when they receive improvements from other funding sources or other conditions change.

Some of the criteria in FACT is “impermanent” and some of those issues could be addressed before waiting for a reconstruction project. OLO found basic math errors in MCPS’ FACT scoring system. These errors led OLO to suggest that the school construction queue is inaccurate and needs to be reassessed.

OLO also recommended a six-year instead of 30-year queue. MCPS now builds schools to last

only 50 years. OLO questioned that lifespan. MCPS acknowledged errors found by OLO and will review system.

▮ OLO staff Natalia Carrizsa and Elaine Bonner-Tompkins wrote the report, “**Resources and Staffing among MCPS Schools.**” OLO was asked to look at whether MCPS provides sufficient resources to schools to narrow the achievement gap. OLO found that high-poverty populations and English-language learners are concentrated in high-poverty schools. High-poverty schools need more resources to reduce the achievement gap.

OLO found that at the elementary school level, MCPS has smaller class sizes in high-poverty schools than in low-poverty schools and spends more per student. However, those differences—although very pronounced at the elementary level

—shrink in middle and high schools. OLO also found that MCPS allocates its most experienced teachers to low-poverty schools and less experienced teachers to high-poverty schools.

Of the \$151 million/year from the Federal and State governments MCPS receives for compensatory education for low-income students, OLO found MCPS only spends \$91 million. MCPS explained that the discrepancy was due to funds being spent on “universal” programs. OLO found that MCPS expends less on high-poverty schools than anticipated by student need and revenue, and recommends a review.

▮ At the Council’s request to look at the impact of after school programs, OLO authored “**Excel Beyond the Bell: Montgomery County’s After School Program.**” A 2007 Collaboration Council and County Task

## December Minutes, cont.

Force noted the growing presence of gangs and violence in the County and recommended after-school programs as a positive activity for kids.

OLO looked at various programs and noted attendance and enrollment declined from 2012-2015. This after-school program costs \$800/\$1,000 per enrollee, not including meals or transportation. The majority of kids also participate in the FARMS program.

OLO reviewed program quality and outcomes, including data from routine MCPS assessments and surveys. The OLO analysis suggests that “Excel Beyond the Bell” programs have limited impact on educational outcomes. There is no consistent evidence of program success. Countywide, the program costs \$1 million, and the Council is look-

ing to expand it.

### NEW BUSINESS

David Kunes, Councilmember Tom Huckler’s chief of staff, presented draft legislation that attempts to reduce the number of abandoned nuisance properties in the County. Council member Huckler’s legislation would create a pathway through a fine ladder to get these properties back on the market.

### OLD BUSINESS

Jerry Garson testified in front of the Montgomery County delegation to Annapolis in opposition to **MC 27-16**, a bill authorizing Montgomery County to create the Montgomery County Student Loan Refinancing Authority. Jerry expressed concern about independent authorities not responsive to citizens, chances of loan defaults, and lack of expertise in

the County.

Harriet Quinn reported that the dues notices are going out. Please pay your civic association’s dues.

### NEW RESOLUTION

Peggy Dennis proposed a resolution to allow bow-and-arrow deer hunting on all Sundays, in addition to the currently allowed six days per week during hunting season. The resolution passed 13 in favor, 1 opposed, 3 abstained.

*“Be it resolved that the Montgomery County Civic Federation urges our state delegates and senators to introduce and pass legislation in 2016 allowing Sunday archery hunting for deer in Montgomery County on all Sundays during the season.”*

## December Minutes, cont.

### COMMITTEE REPORTS

#### *Planning and Land Use*

Council passed 8–1 **ZTA 15–07**, which increases the buffer for gas stations to 500 feet.

#### *Transportation*

The Bus Rapid Transit Citizen Advisory Committees are rushing through BRT proposals without the basic data they claim they have, e.g., existing condition data. The estimated capital cost of four of 11 BRT routes is \$2.2 billion, not including financing and operating costs. In contrast, if the County were to offer Free Ride On service, the cost would be \$24 million/year.

**Adjournment:** The meeting adjourned at 10:05 pm. ■

## Minutes of December 17, 2015, Executive Committee Meeting

*By Danila Sheveiko, Co-Recording Secretary*

The Executive Committee (ExComm) convened at the 3rd District Police Station.

**Call to Order:** Paula Bienenfeld, President, called the meeting to order at 8:10 p.m. **Present:** Carole Ann Barth, Paula Bienenfeld, Alan Bowser, Jean Cavanaugh, Peggy Dennis, Jerry Garson, Harriet Quinn, Virginia Sheard, Danila Sheveiko, Louis Wilen, and Jim Zepp.

**Adoption of Meeting Agenda:** Paula Bienenfeld called for and received unanimous approval of the proposed agenda.

**Approval of Minutes for November ExComm Meeting:** Paula Bienenfeld called for and received unanimous approval of the minutes.

**Treasurer's Report:** Jerry Garson, Treasurer, reported expenditures over income of \$316.02 for the period.

**Programs:** Paula Bienenfeld introduced discussion of future programs.

■ *January:* Jim Zepp, MCCF First Vice President, is confirming WMATA's head of planning as speaker.

■ *February:* MCCF Environment Committee Co-Chairs Carole Ann Barth and Jean Cavanaugh are confirming format and speakers for a **Pecha Kucha** on environment.

## Dec. ExComm Minutes, cont.

### ISSUES DISCUSSED

▮ Details for the annual awards event scheduled for May 5th at **McGinty's Public House** in Downtown Silver Spring. Paula Bienenfeld to organize.

▮ State Legislature/Delegation and MCCF legislative priorities, including a **bill calling for referendum on County's liquor monopoly** (State gets 9% of all liquor sales); concerns over **PGCo/MoCo 114-16 reforestation mitigation bill**; bill to establish a **County loan authority to ease the burden of student loan debt** for residents (MCCF Treasurer Jerry Garson quoted by *The Washington Post* and **WAMU**); Inspector General for WSSC/M-NCPPC, **Office of Legislative Audits**; driverless cars.

▮ Response to **Transit Task Force Final Report and Recommendations**

in progress.

▮ Utilities Committee Chair Louis Wilen reported on the **Commission on Common Ownership Communities** rate increase. CCOC currently charges \$3 per unit, up from \$2, and plans to raise fee to \$5 per unit. HOA board members are now required to take an online course.

▮ **MCPS radon retesting** update by Louis Wilen. Councilmember Rice called the situation a failure; **watch the video online**.

▮ Future of MCPS Brickyard public property.

### COMMITTEE REPORTS

#### *Environment*

▮ **DPS extends public comment period** on adoption of the **International Green Construction Code** to January 14th. E-mail comments to **hemal.mustafa@montgomerycountymd.gov**.

#### *Utilities*

▮ The Washington Gas customer service call center is moving to Virginia as a response to chronic customer service problems after the center was outsourced via Accenture and moved to the Philippines.

▮ Coordination of street digging by Washington Gas and street repaving by DOT may be legislatively mandated.

#### *Planning and Land Use*

▮ **Subdivision Staging Policy** draft expected at Planning Board in February. **Subdivision Regulations Rewrite** draft expected at Council in late January.

#### *Transportation*

▮ Mixed messages from County Executive at the Committee for Montgomery breakfast: Indepen-

## Dec. ExComm Minutes, cont.

dent Transit Authority proposal may be dead, but **Bus Rapid Transit** project is still going.

### OLD BUSINESS

■ Jim Zepp is planning ahead for the 2016 Washington, D.C., area civic summit.

■ The 2016 *Budgetpalooza!* will be held before February 9th; details to follow.

■ Paula reported on the latest Committee for Montgomery breakfast.

■ MCCF Newsletter/Web site general discussion: a meeting will be set up for some time in early January to discuss in more detail.

### NEW BUSINESS

■ Newsletter deadline and articles: Saturday, December 26, 6:00 p.m.,

to Peggy Dennis at [mccfnewsletter@gmail.com](mailto:mccfnewsletter@gmail.com).

■ Date and location of next two ExComm meetings:

■ January 21 via conference call.

■ February 18 at **B-CC Regional Services Center**.

**Adjournment:** Paula Bienenfeld called for and received unanimous approval for adjournment at 10:11 p.m. ■

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**MONTGOMERY COUNTY  
CIVIC FEDERATION, INC.**

[www.montgomerycivic.org](http://www.montgomerycivic.org)

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**Submit contributions for the next issue by *Sunday, January 24, 2016*.**

Prepare each submission as an MS Word, Word Perfect, or text document; attach it to an e-mail; and send to Peggy Dennis, Co-Editor, at [mccf-newsletter@gmail.com](mailto:mccf-newsletter@gmail.com). Please send all address corrections to [mccivicfed@gmail.com](mailto:mccivicfed@gmail.com).

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