



Intercounty Connector
Mandatory Referral No. 06809-SHA-1
Status Report #19

Prepared 11/12/2009 for the 11/19/2009 Roundtable Discussion

This memorandum provides an update on notable activities that have occurred since Status Report #18 on May 14, 2009 including:

- Upper Paint Branch Special Protection Area
- ICC Toll Rates
- Non-Native Invasive Species (NNI) Task Force Status
- Environmental Stewardship and Compensatory Mitigation Project Progress
 - Status of Park Master MOU for ES-CM Projects
 - Trolley Museum
 - Olney Manor Dog Park
 - NW-160/170 Stream Restoration
 - NW-128 Wetland Restoration
 - Reforestation
 - Vernal pools
- Design Submittal Process
- Post ROD Refinements to Limit of Disturbance in Northwest Branch Stream Valley Park
- Construction Update

Upper Paint Branch Special Protection Area

In June 2009, the Planning Board held a public hearing on the Environmental Review of the ICC through the Upper Paint Branch Special Protection Area (SPA). Since that time M-NCPPC staff have been receiving plans for erosion and sediment control and stormwater management in the SPA. As recommended by the Planning Board, we have had extensive coordination with SHA, ICC Team, MDE, DPS, and DEP regarding these designs. The complete plans for erosion and sediment control and stormwater management have been submitted to MDE for approval and have gone through several iterations for comments and revisions. At this time, no construction has begun in the Upper Paint Branch SPA outside the previously approved work on the New Hampshire Avenue and Old Columbia Pike interchanges.

During the June public hearing, the contract requirements for the design-builder were stated as allowing no construction to occur in the remainder of the Upper Paint Branch SPA until final erosion and sediment control plans and final stormwater management plans were approved by MDE. The designs for initial erosion and sediment control and final stormwater management are now nearly complete and ready for MDE approval. The plans for the interim and final stages of erosion and sediment control have been reviewed and commented on by MDE. While the erosion and sediment control concepts for the interim and final stages appear acceptable to MDE, they

still require some revision before the plans will be ready for formal approval. The remaining Upper Paint Branch SPA section has now become the critical path to meet the stream closure periods and avoid clearing in Forest Interior Dwelling Species habitat during their breeding season. Construction for the haul roads and the bridge abutments for Good Hope and Paint Branch must begin in order to meet these requirements and maintain the overall construction schedule. SHA has asked MDE for approval of the initial erosion and sediment control and final stormwater management designs that will allow construction to begin on this segment. The interim and final erosion and sediment control plan revisions necessary to address MDE's outstanding comments will be submitted for approval by the end of November and should be approved before construction on the initial phase is complete. Construction on the initial phase is expected to take about six months.

M-NCPPC staff has discussed this schedule for approvals with MDE, ICC Team, SHA and DPS as it is not consistent with the information given to the Planning Board during the public hearing. The schedule is consistent with the design-build process, and is typical of the MDE plan review process. There are no outstanding environmental concerns not already being addressed, and the revisions remaining on the interim and final erosion and sediment control plans will be approved before construction of the initial phase is complete. Therefore, M-NCPPC staff have no objections to the MDE proposal to issue an approval for the initial phase erosion and sediment control and final stormwater management plans. The intent of having a final design for stormwater management in place before beginning construction in the SPA has been met.

ICC Toll Rates

The ICC will be a value-priced facility, meaning that higher toll charges will apply during peak periods when travel demand is highest. This practice has been implemented fairly widely during the past decade on toll road projects across the nation as one type of congestion pricing. The primary purpose of value pricing is to establish a toll rate that reflects the value of time as established by the market in exchange for a reliable, high speed trip on the facility.

The Maryland Transportation Authority (MdTA) has proposed a range of toll rates for 2-axle vehicles (cars and some light trucks) of between \$0.25 and \$0.35 per mile during peak periods and between \$0.20 and \$0.30 per mile during off-peak periods. Trucks would be charged higher rates (about three to seven times the amount per car, based on the size of the truck). The auto toll rates are higher than those for most of the toll facilities currently operated by the MdTA, but they are generally comparable to rates on other value-priced facilities, reflecting the higher value of mobility commonly perceived by the marketplace. MdTA held public meetings on the toll rates during late October. The County Council T&E Committee has scheduled a worksession on November 16 to consider its testimony to the state.

The establishment of toll rates is an operational element that does not require Planning Board action. Chairman Hanson has sent his thoughts on the matter to Councilmember Nancy Floreen, suggesting that the Council incorporate three elements in their message to the state. First, the primary purpose of toll rate establishment should be congestion management rather than revenue generation. Second, the state should move as quickly as possible to true dynamic pricing, wherein rates fluctuate according to observed demand rather than by predetermined peak tolling

periods. And finally, that the state incorporates the high-occupancy toll (HOT) philosophy used by many jurisdictions, including Virginia, in exempting carpools from toll charges on new congestion priced facilities. The Chairman's correspondence is included as an attachment to this status report.

Non-Native Invasive Species (NNI) Task Force Status

On December 11, 2008, Park staff presented to the Board the findings of the Non-Native Invasive Species (NNI) Task Force Report. M-NCPPC Natural Resources Manager Rob Gibbs outlined in a slide presentation Park's concern of an increase in NNIs in the park along the ICC right of way due to the disturbance of road construction and the opening of the forest. These are the steps that have been taken since then to set up mechanisms to address the potential NNI infestations in parkland along the ICC corridor:

1. A baseline study on existing NNI along the ICC corridor has been performed by M-NCPPC this year and the results are currently being compiled. This study documented the NNI species that already exist in park areas along the ICC right-of-way and recorded the level of infestation. This baseline study will be useful in determining where the largest likelihood of increased NNI infestations currently exist and will aid in focusing resources. On a larger scale, it will be a useful study in monitoring the effects of a highway through interior forest in a Mid-Atlantic State in a highly populated area with pre-existing varying levels of NNI in many parts of these urban forests.
2. M-NCPPC has looked into the possibility of getting grants to help offset the additional costs for treating NNI along the ICC. Opportunities were explored in the public and the private sector. Staff has looked into funding by agencies such as the Chesapeake Bay Trust, the National Fish and Wildlife Foundation (NFWF), U.S. Fish and Wildlife Service (FWS), USDA Forest Service (FS), and USDA Animal and Plant Health Inspection Service (APHIS). The agencies have currently no funding available that would fit our category. The search for grant opportunities is ongoing.

Staff presented the finding of the NNI Task Force to the ICC Inter-Agency Working Group (IAWG) in May 2008 to make State and Federal agencies aware of M-NCPPC's concern, to solicit their input and explore potential collaborations with other agencies. The different agency representatives were appreciative of receiving the information. However, none of the environmental agency representatives was aware of grant availabilities or collaboration opportunities at this point.

3. Discussions with ICC and MdTA have been ongoing through the ICC Landscape Task Force meetings. A meeting was held between the ICC, MD 200, MdTA and the Park's ICC representatives to go over fencing and gates along the ICC that would provide potential access to parkland from the ICC to treat NNIs. MdTA is currently defining internal structures and guidelines for maintenance of landscape areas and NNI control. MdTA recognizes the NNI growth potential as a mutual concern. Any NNI that will develop along the park's side of the ICC right-of-way will also threaten the landscape areas within the right-of way.

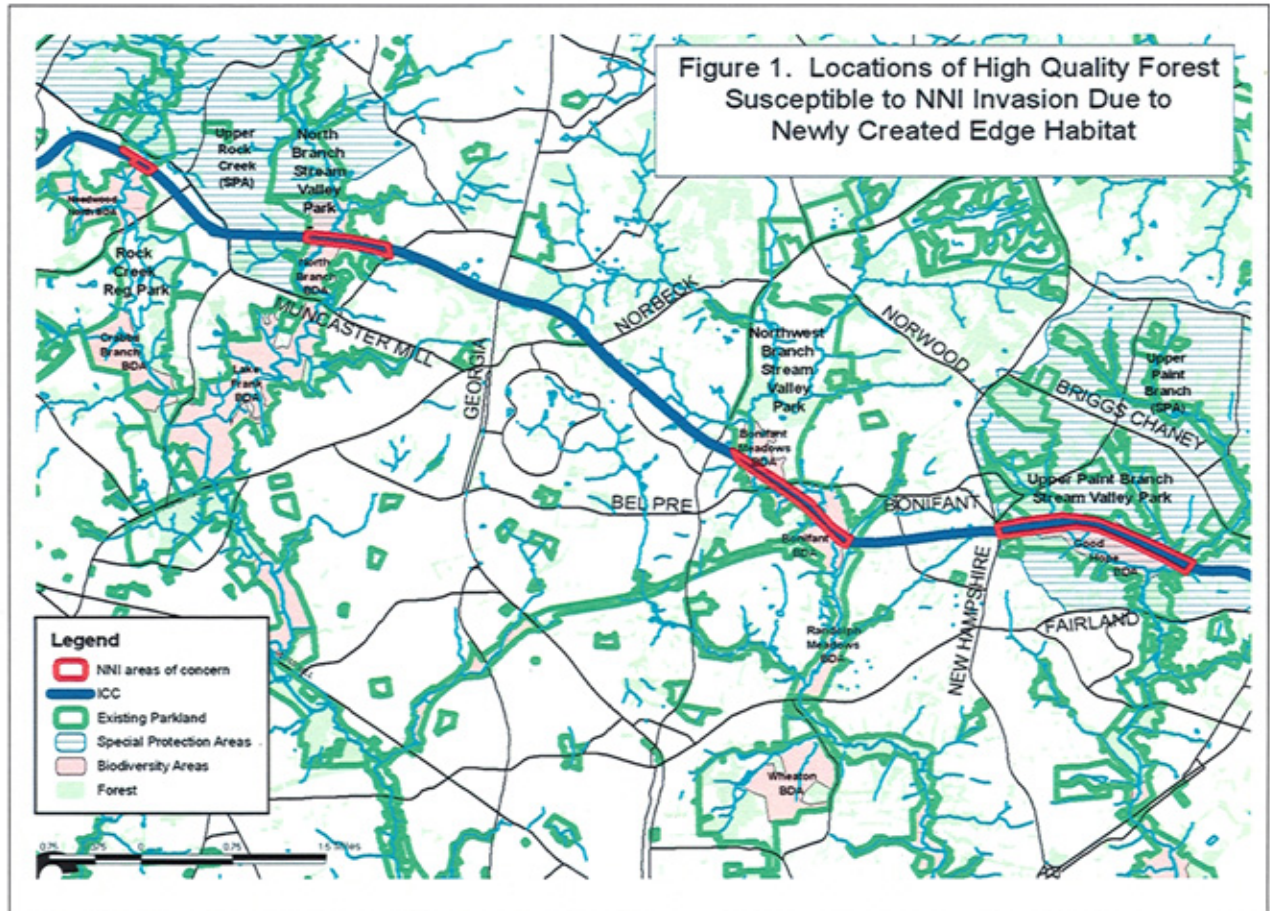


Figure 1. Locations of High Quality Forest Susceptible to NNI Invasion Due to Newly Created Edge Habitat

Environmental Stewardship and Compensatory Mitigation Project Progress

Status of Park Master MOU for ES-CM Projects

The Parks Department, SHA and MdTA now have a master agreement to be used in place of the park permit process for the ICC ES-CM projects on parkland. This memorandum of understanding (MOU), described in Status Report #16 last year, was developed to streamline the process of implementing future ES/CM projects on parkland by consolidating interagency agreements unique to the ICC mitigation and stewardship projects in a common document. The MOU has been completed and signed by the Executive Director and is now being signed by SHA.

National Capital Trolley Museum

Construction on the trolley tracks was completed in the first week of November. Volunteers are currently working on the overhead wires. It has been taking a little longer than originally anticipated even with additional support from M-NCPPC and some assistance from the Maryland Transit Administration. Work on the trolley is scheduled to be completed by the end of November. A grand opening is scheduled for spring 2010.

Olney Manor Dog Park

The first ICC Community Stewardship project is nearly complete. SHA published a press release in September to publicly announce commencement of construction on the Olney Manor Dog Park. The park is approximately 1 acre with separate facilities for large and small dogs. Other features include informational kiosks, benches, trash receptacles and plastic bag dispensers for waste. M-NCPPC Parks staff have been coordinating with the designers and contractors. Semi-final walk through with SHA and M-NCPPC occurred on November 9, and completion and final walk through is expected by the end of November. The dog park is expected to be open to the public by the beginning of December, but grand opening is currently planned for next spring.

SHA press release <http://www.iccproject.com/PDFs/dog-park-2009.pdf>

NW-160/170 Stream Restoration

NW-160/170 consists of an ICC stream restoration project that is located on parkland along the mainstem of Northwest Branch. The project is 17,735 linear feet (3.35 miles) in length, and spans from the Batchellors Forest tributary south to the Sherwood Forest tributary. Restoration activities feature the use of large wood structures in place of the typical stone and rock structures. Wood structures will either be placed along streambanks to prevent bank erosion or in the center of the stream channel to increase aggradation of the streambed and floodplain access during storm events. This innovative approach takes advantage of trees harvested from the ICC ROW, and will yield a more natural and esthetically appealing project when complete. The project was approved by the Planning Board on July 23, 2009 and was recently advertized on October 19, 2009. Notice to proceed with the project is currently scheduled for January 25, 2010. Coordination between M-NCPPC and SHA will continue throughout the construction and monitoring phases of the project. Construction of one of the temporary crossings required to access a designated tree storage area will be performed by the ICC Contract B Design-Builder to facilitate placement and storage of trees cleared from the ICC mainline. The temporary crossing (TB03) will likely be constructed and in use prior to the January start date for NW-160 and NW-170.

NW-128 Wetland Restoration

NW-128 is an ICC wetland creation project located in Northwest Branch Recreational Park, just west of the National Capital Trolley Museum. The project consisted of removing two baseball fields from the Northwest Branch floodplain in order to create 3 acres of palustrine forest and emergent wetlands. The actual creation area is over 4 acres. The area has served as a functioning wetland since the project's completion in the fall of 2007. The site was recently planted in October of 2009 to increase the diversity of the upland tree species within the wetland. The plantings, along with the groundwater of the wetland will continue to be monitored until the year 2012.

Reforestation

The ICC project must comply with Maryland Reforestation Law. Review and approval for reforestation is under the jurisdiction of the Maryland Department of Natural Resources.

At this time the estimated impacts to forest in the mainline impacts of the ICC is about 737 acres, including about 160 in Montgomery County Special Protection Areas. Within the ICC Right-of-Way, there will be approximately 217 acres of on-site reforestation. Approximately 520 acres of off-site reforestation is required. The ICC Team has identified about 430 acres for this off-site reforestation, and is still searching for about 90 acres. The reforestation will be placed on public lands, and wherever possible will be within the same watershed as the ICC impacts. Many of these sites, over 270 acres, will be planted on M-NCPPC parkland. SHA, DNR and M-NCPPC continue to coordinate on park planting sites, requirements, scheduling and maintenance.

The Casey property at Hoyles Mill near Poolesville is slated for reforestation in spring 2010 and is currently under review by Parks. The property is currently owned by SHA and will become parkland. The area to be reforested is close to 100 acres. The Casey property will add a total of 459 acres of forest to parkland and contains important existing FIDS habitat. With the maturation of the reforestation area the FIDS habitat will increase.

Vernal pools

Three vernal pools have been constructed in the North Branch Stream Valley Park just south of the ICC. The Parks Department funded and contracted Highway Safety Services for the construction. The location was selected by the presence of existing amphibian populations and the loss of amphibian breeding habitat within the ROW as identified in the Final Environmental Impact Statement. The Design/Builders were required to mitigate for the loss, but rather than disturb additional parkland, they proposed vernal pool construction sites within the footprint of the ROW adjacent to the ICC. This was not a viable option for successful pool habitat, so the Parks Department agreed to include the vernal pool construction with other park improvement projects. SHA has agreed to construct vernal pools in the areas of the ES-CM projects where they will be working within stream valleys.

Design Submittal Process

The ICC is being constructed as a design-build process, with construction ongoing as final designs are being completed. M-NCPPC has been receiving plan submittals from SHA as they are received from the Design-Builder, and has had the opportunity to comment on the designs and on any concerns or impacts to County environmental resources. At this time, the designs for Contracts A and C are more than 95% complete, and designs for Contract B are over 70% complete.

Post ROD Refinements to Limit of Disturbance in Northwest Branch Stream Valley Park

For two of the bridges over Northwest Branch just north and south of Bonifant Road, modifications were needed to the Limit of Disturbance to accommodate the cranes which will place large steel girders on the bridges. MD200 applied for a Park Permit for temporary impacts to parkland for approximately 0.09 acres at Bridge 28, and approximately 0.29 acres at Bridge 29. Park staff met with MD200 and ICC Team on site to discuss avoidance and minimization. A park permit was granted which includes reforestation requirements.

Construction Update

Contracts A, B and C have all been granted and construction is underway on all three contracts. There are only two areas which have not begun initial clearing: the Upper Paint Branch Special Protection Area and the easternmost section of Contract C in Prince George's County. Construction on the Western Operations Facility has also begun as a separate contract. Some of the more noticeable construction includes:

- The areas near the Metro Access Road interchange through Redland Road are near final grade. Right of Way fencing is being installed in areas at final grade.
- Overhill Road has been paved and landscaping is almost complete.
- Needwood Road bridge is complete and expected to have traffic on it by the end of November.
- Paving has begun between Muncaster Mill Road and Emory Lane.
- The Deckover structure at Olde Mill Run has girders in place and the top is being filled.
- The signature arch bridge over Rock Creek has two arches complete and girders placed across the top.
- Bridges through Northwest Branch stream valley are under construction near Bonifant Road and the new Trolley Museum.
- Layhill Road temporary bridge is in place and is in use.
- Near US 29, noisewalls are being installed behind the Tanglewood community.
- Grading is ongoing near Briggs Chaney Road.
- In Prince George's County, I-95 has steel girders placed over the northbound lanes.

Approximate Percent Complete

Contract A – 60%

Contract B – 20%

Contract C – 45%



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

OFFICE OF THE CHAIRMAN

November 10, 2009

Councilmember Nancy Floreen, Chair
Transportation, Infrastructure, Energy
and Environment Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Ms. Floreen:

I am writing to offer my guidance on the establishment of the County's tolling policy for the Intercounty Connector for your consideration at the November 2 T&E Committee worksession. The establishment of toll rates is primarily an operational matter, so the Planning Board has not taken any position on the numerics of the pricing scheme. I do feel there are three basic philosophical elements that should be included in the state's decision-making process.

First, the toll rates should be set with the primary purpose of providing an effective and reliable travel time at any period of the day; they should not be focused on revenue generation. The introduction of roadway value pricing in Montgomery County is an important step forward in managing vehicular travel demand. Much of the public testimony is understandably focused on the out-of-pocket costs associated with daily use of the facility. However, value pricing is an effective way to establish the actual cost and benefit of travel by car at certain times of day according to our constituents, who constitute the primary travel market.

Second, it is important that the pricing system be as flexible as possible to react to market conditions. If the rates are set too high, the benefits of shifting traffic from the parallel arterial system will not be realized. Conversely, rates lower than what the market will bear will result in yet another congested roadway with slow speeds exacerbating both our mobility and air quality concerns. I would urge the state to shift as soon as feasible from the proposed peak period pricing system to true dynamic tolling wherein rates can change several times an hour based on actual demand. In the interim, the value pricing rates will likely need to be adjusted on a frequent basis, and the County Council should consider requesting annual reports from the state on ICC utilization and possible toll rate changes.

Finally, we continue to urge the state to pursue exemptions for transit and carpools in its portfolio of managed lane concepts. I recognize that, like the dynamic pricing concept, a HOT-lane policy will not be ready as part of the ICC design for opening day, but it should be part of the first generation of ICC upgrades as the technology improves.

Part of the value of HOT lanes nationwide is the ability to devote funding to transit from the highway toll revenues. To some extent this will be happening on the ICC as the project's Record of Decision commits to the provision of express bus services as part of the construction and operations package toward which the toll revenues will be dedicated. We look forward to an update from the Maryland Transit Administration on the express transit services that will be implemented on the ICC as we continue to receive periodic progress reports from the state on ICC construction.

Value pricing is a useful approach to provide mobility, improve reliability, induce more efficient travel patterns, and move toward fiscal sustainability. I support its implementation on the ICC as the first step toward managing demand through pricing initiatives within the County. Please contact Dan Hardy at 301-495-4530, or me if you would like to discuss any of these points further.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce Hanson". The signature is fluid and cursive, with a large initial "R" and "H".

Royce Hanson
Chairman

cc: Melinda Peters
Art Holmes
Dennis Simpson, MdTA