THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

July 28, 2006

Mr. Robert Flanagan
Secretary, Maryland Department of Transportation
Chairman, Maryland Transportation Authority
7201 Corporate Center Drive
Hanover, MD 21076

RE: Mandatory Referral No. 06809-SHA-1 for the Intercounty Connector

Dear Mr. Flanagan:

This letter transmits the Montgomery County Planning Board's conditional approval of the referenced mandatory referral for the roadway elements of the Intercounty Connector (ICC) within Montgomery County. The Planning Board held a July 13, 2006 public hearing for the mandatory referral and reviewed staff recommendations and public testimony at our regularly scheduled meeting of July 20, 2006.

We appreciate the administration's continued progress on this important facility, as well as the commitments made to quality design and construction through the planning process. As the focus of the ICC shifts from planning to design and construction, our comments generally follow two themes. First, as the stewards of the Montgomery County park system, we find that more stringent performance specifications are required to ensure that any adverse effects to the park user experience remain limited as intended in the FHWA Record of Decision. Second, as proponents of open and transparent planning processes, we recommend that you develop and maintain a more aggressive public outreach process that meets the high expectations of Montgomery County residents. Such an outreach program is essential if citizens, and particularly homeowners, are to have an adequate opportunity to comment on the details of this important project, and thereby help to protect its credibility.

Given the complexity of this facility, the use of design-build contracts and other factors, the Board's review of the project at this time was challenging. Many design elements require greater specificity to be fully understood, and many interagency agreements and understandings have yet to be completed, including agreements that will ensure full compliance with the 1989 Memorandum of Understanding with the Commission ("1989 MOU"). As a result, the Planning Board's approval is expressly conditioned on successful completion of these items, as stated in our attached comments. Attachment A to this letter summarizes the sixteen conditions of our approval to you. Detailed recommendations are included in Attachment B. Our staff memo is also enclosed for your reference.

The Planning Board's recommendations include an expectation that progress will be made on these conditions in a timely manner. The Interagency Working Group and the Environmental Management Team are mechanisms by which these conditions can be fulfilled at the staff level. However, given the importance of this project and the large number of unresolved issues, one condition to our approval is that the Planning Board receive monthly reports, from both your staff and our staff, on the continuing progress that the team is making throughout the design and construction process. These reports, to be delivered during Planning Board public sessions, will help us confirm the degree to which our mutual goals of addressing both technical and community concerns are being achieved. This continuing consultation will be an essential factor in the Board's future decisions about whether or not to approve Special Protection Area water quality plans, temporary easements, park permits, and land transfers. High priority should be given to spelling out the manner in which the 1989 MOU will be implemented (including but not limited to the written guidance described in Attachment A, condition #2), and this should be accomplished before consideration of any other MNCPPC approvals.

The Planning Board vote in favor of the conditional approval was 3-1, with Commissioner Wellington in opposition and Commissioner Perdue absent.

We share your commitment to implementing needed transportation projects in a manner that minimizes adverse impacts. We trust that the successful efforts on the ICC can serve all agencies as guides for moving as expeditiously on the Corridor Cities Transitway and the Purple Line.

Sincerely,

Derick P. Berlage
Chairman

DPB:DKH:gw
Enclosures

ltr to Flanagan re ICC 06809-SHA-1

ATTACHMENT A. CONDITIONS OF APPROVAL

PROCEDURAL

1) Submit an independent mandatory referral for Intercounty Connector (ICC) Contracts B and C if material changes are made to the Design-Build process, including the revision of performance specifications developed for Contract A other than to incorporate site-specific references as noted below.

2) As part of the Environmental Management Plan, develop written guidance incorporating our Technical Review and Park Permitting process that will, per our 1989 Memorandum of Understanding (MOU), describe ways for the Maryland-National Capital Park and Planning Commission (M-NCPPC) representatives overseeing all construction impacting parkland, including Paint Branch trout stream monitoring, to halt and/or modify construction activities as needed to protect these resources, especially in the case of episodic or emergency situations.

3) Develop appropriate legal interagency instruments (such as MOU or property deed restriction) to document:
   a) Agreements for the schedule and process to remove, relocate, and/or replace physical facilities on property needed for ICC construction, including the active playing fields in Layhill Local Park and Northwest Branch Recreational Park and facilities associated with the National Capital Trolley Museum.
   b) Agreements regarding the use and restoration of park property that will be the subject of either temporary construction easements or perpetual drainage easements.
   c) Agreements for perpetual maintenance and liability of MdTA property beneath ICC bridge structures adjacent to stream valley parks to retain passive recreation uses.

4) Develop and distribute details of a public outreach and community involvement program to be conducted during design and construction. The program must include more proactive means by which public expectations can be established and then met, to both communicate and solicit feedback regarding the roadway design and construction process, as well as to reduce the levels of uncertainty currently expressed by directly impacted property owners and occupants.

5) Consider the following elements in the development of the RFP and the review of the Design-Build proposals:
   a) Seek to implement the highest quality product that fully utilizes the available budget.
   b) Structure the overall compensation package in such a way that incentives for performance are given equal or greater weight than the combined incentives for cost savings and liquidated damages for exceeding project completion date projections.
   c) Where discretionary choices are available, consider the protection of natural resources, particularly those in Special Protection Areas, as the project's highest priority.

ENVIRONMENTAL AND PARKLANDS RESOURCE PROTECTION

6) Develop an agreement as soon as possible between the Maryland State Highway Administration (SHA), the Montgomery County Department of Permitting Services (DPS), and M-NCPPC that:
   a) Is developed expeditiously to be in place prior to commencement of further design work in Special Protection Areas (SPAs).
   b) Establishes the process for and timing of Planning Board review and approval of SPA water quality plans to allow any Planning Board recommendations to be incorporated into the Design-Build process and final impervious waiver and mitigation package,
   c) Outlines the content of and review processes for Water Quality Plans within the Upper Rock Creek and Upper Paint Branch SPA,
   d) Establishes points of involvement for DPS, such as inclusion on the Interagency Working Group.

7) Provide significant financial incentives for the Design-Build contractor to further address and reduce impacts to the highest quality forests beyond the level identified in the ROD commitments, by:
   a) Providing incentives based on specific guidance in Attachment B (comment PS310-1), and
   b) Including in the RFP an explicit request for proposals to demonstrate how the impacts in the most sensitive areas of the right-of-way will be reduced and including the evaluation of these proposals in the establishment of the best value award.

8) Limit available planting species to reduce the threat of non-native invasive (NNI) species and commit to a limited program of NNI inspection and removal on park property (Attachment B comments PS301-1 to PS301-4)

9) Consider three levels of incorporation of comments regarding environmental resources in Attachment B. First, consider application to the entire project, as suggested. If a recommendation cannot be accepted in that regard, next consider application to the portions of the project where the LOD is bounded by park property on both sides. Finally, consider application of comments to the portions of the project within 25 feet of any adjacent park property.

COMMUNITY PLANNING AND DESIGN

10) Regarding the Western Maintenance Facility, our strong preference is that the State not site this facility on either the Casey 6 or Casey 7 properties. If the facility must go on one of these properties, the better location would be on the Casey 6 property adjacent to the ICC. If the Western Maintenance Facility is located on Casey 7 it would jeopardize housing options for the Shady Grove Sector Plan, seriously compromising the adopted Shady Grove Sector Plan.

11) Improve the parkway character of the ICC roadway by elements (Attachment B, PS 301-5 through 301-11) that:
   a) Provide additional space for landscaping,
   b) Increase the density of required plantings,
   c) Specify additional planting requirements with typical planting zone layouts, reduction in clear zones where guardrail is provided, and planting specifications for the community side of noise walls.
   d) Increase the level of aesthetic treatments for structural elements,
   e) Include ornamental lighting and railing specifications,
   f) Simplify the design options to achieve a more unified treatment, and
   g) Provide greater detail regarding visual conformity of elements.

MULTI-MODAL TRANSPORTATION

12) Participate in continuing discussions and Planning Board worksessions with the County, M-NCPPC, and the public regarding:
   a) The implementation schedule for the portions of the state's bike plan that are not adjacent to the ICC, and
   b) The master plan and implementation status for those portions of the ICC for which the County master plan recommends a bike path but the state proposal does not.

13) Incorporate the following elements of the hiker-biker trail into the Design-Build contracts:
   a) Construct the easternmost ICC bridge across Northwest Branch in a manner so that a future bike trail crossing of the stream valley could be suspended from the structure.
   b) Extend the trail beneath Norbeck Road (MD 28) as well as providing the at-grade crossing at Wintergate Drive.
   c) Provide either traffic signal phases or grade separated pedestrian crossings of Georgia Avenue (MD 97), Layhill Road (MD 182), and New Hampshire Avenue (MD 650).
   d) Include other recommendations described in Attachment B (PS 309-1 through PS 309-8).

14) Provide a sequencing plan for implementation of the ICC interchanges at Georgia Avenue (MD 97) and at US 29 that shows how:
   a) the design will work both prior to the construction of adjacent interchanges (MD 97 at MD 28 and US 29 at Fairland Road),
   b) safe traffic and pedestrian accommodations will be accommodated in the ICC-open-to-traffic condition, and
   c) reconstruction efforts for the subsequent adjacent interchange connections can be phased to minimize cost and community disruption.

15) Incorporate additional design references and details related to transportation improvements in Attachment B, including elements such as design speeds, sidewalk connections and clear zones, and roadway abandonment procedures.

CONCLUSION

16) The Planning Board's approval of this mandatory referral is conditional upon successful achievement of these conditions. We will consider the status of progress toward achievement and compliance with these conditions as we receive monthly or more frequent status reports during Planning Board public sessions from both M-NCPPC and SHA staff. The Planning Board approvals of land transfers, including easements, will be subject to the consideration of progress on all conditions described herein.

ATTACHMENT B. DETAILED RECOMMENDATIONS

The staff recommendations in Section A of this report incorporate the following detailed recommendations. The recommendations are listed in the following order:

- PS 301 – Planting and Landscaping
- PS 303 – Drainage
- PS 305 - Traffic
- PS 308 - Structures
- PS 309 – Roadway
- PS 310 - Environmental
- GEN - General comments not necessarily related to individual performance specifications

Performance specifications references are to the draft versions submitted with the mandatory referral as of May 4, 2006. As part of the Interagency Working Group, staff continues to work with other agencies in an iterative process to continue the refinement of the project performance specifications.

PS 301 PLANTING AND LANDSCAPING PERFORMANCE SPECIFICATIONS	
PS 301-1	The species list for 4.1.5 "Forest Edge" and 4.1.9 "Reforestation Areas" must be changed so that the following species are eliminated: Liquidamber styraciflua/ sweet gum Quercus phellos /willow oak Claudrastris kentuckea/American yellowwood Magnolia virginiana/ sweetbay magnolia Cornus racmosa/ gray dogwood Myrica pennsylvanica /bayberry Amelanchier laevis/Allegheny Serviceberry mountains Pinus Taeda/ Loblolly pine Itea virginia /Virginia sweetspire Rhus aromatica/Fragrant sumac Viburnum lentago/Nannyberry viburnum In addition to the elimination of the above species from the lists, Ulmus parviflora (Chinese or Lacebark Elm) should be removed from the Street Tree list, in section 4.1.10, since it is listed as a species of "Local Concern and Monitoring Category" on the US Forest Service Eastern Region web site. Whether adjacent to park property or not, no SWM facility Seed Mix should have Sericia Lespedeza (aka Lespedeza cuneata = Chinese bush clover) as part of the seed mix. (4.1.11.3) This plant is a known invasive in dozens of states, is on the official Noxious Weed list for several states.

PS 301-2	The Design-Builder is responsible for monitoring and removing non-native (NNI) species on M-NCPPC property within 150 feet of the Limit of Disturbance for a period of two years after construction has completed. The area for NNI species management on M-NCPPC property shall be inspected twice annually: once in June and once in August. If NNIs are present, they shall be treated according to the guidelines contained in "M-NCPPC Best Management Practices for Control of Non-Native Invasives." The preferred method of removal is the use of power hand tools and/or hand tools in combination with chemical control. Only glyphosate and tryclopyr are approved for use on park property. Chemicals shall be used in accordance with the instructions contained on the label. Chemicals shall be treated with an EPA approved blue marker dye in order to keep track of which plants have been treated. M-NCPPC shall be notified two weeks prior to the removal of any NNIs.
PS 301-3	Include Jasminun nudiflorum (Winter Jasmine) as a species appropriate for landscaping retaining walls and noise walls in Section 4.1.13.
PS 301-4	Increase the minimum density for all planting zones as follows: • 2 evergreens for every 3,000 square feet • 2 shade trees for every 1,500 square feet 2 shrubs for every 400 square feet
PS 301-5	The RFP should provide illustrative planting plans for the different planting zone types to ensure better response by contractors and visual compatibility with adjacent community.
PS 301-6	The following specifications should be added: • Specify a precast ashlar stone pattern for all retaining walls, abutments, and noise walls • Identify Federal Standard color references for all structural elements of bridges, retaining walls, guardrails, signposts, and noise walls
PS 301-7	Further develop the design character for bridges over roadways to incorporate more use of ornamental railings, balusters, and lighting to improve community's views, pedestrian needs and relationship to parks. Design treatments for different conditions are recommended as follows: Type A: ICC bridges over roadways should have low ornamental railings, intermittent low balusters to break up the long horizontal spans, and lighting on end posts. Precast stonework should be used on the face of structures except balusters and end posts. Higher railings are not required because no pedestrian access is provided in these locations along the ICC.

Type B: Roadway bridges over the ICC that have sidewalks or bikeways need higher ornamental railings that are framed by intermittent balusters, and lighting on end walls. Precast stonework should be used on the face of structures except balusters and end posts.

Type C: Community Gateway bridges over the ICC, as identified in the May 2006 Aesthetic Elements document, need to have the proposed railings vertically divided by intermittent balusters and bumped out baluster bases for ornamental lighting. Precast stonework should be used on the face of the structures except on balusters and end posts.

Type D: Park bridges do not require revisions to structural design of the bridges. However, both bridges need to incorporate precast ashlar stone patterns into the face of the structures to be more compatible with the park setting. The same treatment should be applied to the US 29 interchange bridges where, given the three-level ramping system, ornamental features are not required and uniformity with the adjacent US 29 interchange design must also be considered.

Concrete beams are preferred where the ICC passes over parks or intersecting roadways because they transmit less road noise to the user below.

Pedestrian and bike path width recommendations are indicated as followed (with a "+" indicating bike path accommodation)

Type A: eight feet sidewalks under bridge
Type A+: eight feet sidewalk on one side under bridge, 12 feet bike path on other side under bridge
Type B: eight feet sidewalks on bridge
Type B+: eight feet sidewalk on one side of bridge, 12 feet bike path on other side of bridge
Type C: eight feet sidewalks on bridge
Type C+: eight feet sidewalk on bridge, 14 feet bike path on other side of bridge
Type D: no pedestrian or bike accommodation on bridge
Type D+: 14 feet bike path on one side of bridge

Incorporate the following gateway treatments for each of the cross streets bridge structures:
Oakmont Avenue Type A (low ornamental railing, lighting at the end posts)
Crabbs Branch Way Type A+ (low ornamental railing, lighting at the end posts)
Shady Grove Road Type A (low ornamental railing, lighting at the end posts)

	Redland Road Type B (high ornamental railing, lighting at the end posts) Olde Mill Run Type C (Community Gateway with out lighting) Needwood Road Type B+ (high ornamental railing, lighting at end posts) Rock CreekType D (Linear park bridge with low railing) Muncaster Mill Rd Type B (high ornamental railing, lighting at end posts) North Branch Type D+ (Linear park bridge with low railing) North Branch Trib Type D+ (Linear park bridge with low railing) Emory Lane Type B+ (high ornamental railing, lighting at end posts) Northwest Branch Type D (Arched bridge with low railing) Georgia Avenue Type C+ (Community Gateway with lighting) Norbeck Road Type C+ (Community Gateway with lighting) Longmead Crossing Drive Type B (high railing, with lighting at end posts) Layhill Road Type C (Community Gateway with lighting) Northwest Br 1 Type D (Linear park bridge with low railing) Bonifant Rd/NW 2 Type D (Linear park bridge with low railing) Northwest Br 3 Type D (Linear park bridge with low railing) Notley Road Type B (high ornamental railing, lighting at end posts) New Hampshire Ave.Type C (Community Gateway with lighting) Good Hope Type D (Linear Park with low railing) Gum Springs/Upper Paint Branch Type D (Linear park bridge with low railing) Route 29 Interchange Type D (Linear park bridge with low railing) (bike path is separate from bridge) Briggs Chaney Road Type B+ (high ornamental railing, lighting at end posts)
PS 301-8	Increase the curvature on all curved cheek walls except the Community Gateway (Type C) bridges. For the signature arch bridge over the Rock Creek mainstem the cheek wall curve should match the structure's curve.
PS 301-9	Noise walls should follow the Aesthetics Element Option 3 (stone with concrete posts) with the same ashlar stone pattern on the noise walls that is used on the bridge structures and retaining walls. The performance specifications should require use of wall types that can support this pattern. Specify a Federal Standard color reference for the noise walls than is darker in value than shown on the proposed Aesthetic Elements. Performance specifications must include a minimum one-foot offset between noise walls and retaining walls for planting of vines even in the most restricted right of way areas. Where rights of way are less restricted, the standard offset should be six to eight feet.

PS 301-10	All fencing along tops of retaining walls and culverts and as needed to separate shared-use path from roadway should be wire mesh instead of chain link.
PS 301-11	New roadway lighting should include cut off fixtures to avoid unwanted glare
PS 301-12	Revise Section 4.1 to specify that the referenced clear zones can be significantly reduced to allow planting of trees and other materials closer to the edge of pavement if guardrails or topography meet applicable safety standards.
PS 301-13	Include planting specifications for the community side of the noise walls including species, density, sizes, and spacing requirements.
PS 303 – DRAINAGE SPECIFICATIONS	
PS 303-1	Section 3.2A; Add Dry Swale design standards within SPAs to section regarding Grass Channel Credit requirements.
PS 303-2	In Section 3.3.1 Insert new C): Culverts will be designed in accordance to the goals, principles and practices outlined in the most recent version of the Montgomery County Guidelines for Environmentally Sensitive Culvert Design. Specifically, culverts should be sized to span the entire cross section of the main drainage course upstream and downstream without internal supports or multiple cells. Orientation and alignment of proposed culverts shall minimize alterations in channel scope and discharge impacts from existing conditions and maintain baseflow channel. Additional in-channel measures may be required to prevent scour or channel incising.
PS 303-3	Consider elevating the priority of Montgomery County Code 19-65(a)(2)(B)
PS 303-4	Pg. 6 of 36 Move existing D) up to end of new CAdd to end of existing C (new D) paragraph: If both H&H requirements consistent with biosensitive design, along with wildlife accommodation, cannot be met at a specific stream crossing so designated, the Agency, in consultation with the Environmental Management Team, will determine the appropriate design goal.
PS 303-5	Pg. 7 of 36 Table 4: Add the following columns: amphibian culvert passage (at STAs 150+00 and 173+30); structure type; MNCPPC property upstream and downstream.
PS 303-6	Pg. 8 of 36 Add to end of D): Design features such as flow deflectors or other instream measures shall be installed as necessary to maintain the existing baseflow channel dimensions, depth, and flow velocities. These measures shall account for grade control adjacent to structures and re-deposition of streambed material should scour of natural bottom materials occur during high flows.

PS 303-7	Pg. 9 of 36 H) add new sentence to end: All ditches shall have a minimum bottom width of two feet if flow is to exceed 0.5 cfs for the 2-year storm event, and 1 foot bottom width otherwise. Ditch inverts shall be scarified prior to stabilization to promote infiltration except as noted in Paragraph K of this section. I) insert into 2nd sentence after "is temporary matting": …that is photodegradable or biodegradable, and shall be… K) add sentence to end of paragraph: Note that side ditches in excess of five feet in height do not qualify for grass channel credit for SWM treatment. L) add to end of second sentence: …and the Environmental Performance Specification for permitted wetland impacts and wetland avoidance incentives. N) add sentence to end of paragraph: All outfalls shall be designed to prevent downslope scour. In cases where discharges from outfalls may reconstitute and create erosion beyond limits of disturbance, additional prevention measures may be required.
PS 303-8	Pg. 13 of 36 3.4 Add new paragraph to end of section: The cleanup of spills shall take precedence over all other work at the site. In case of a spill, MDE and SHA shall be notified immediately.
PS 303-9	Pg. 15 of 36, D: Add new paragraph before D): Where areas to be used for SWM facilities are adjacent to MNCPPC property, the decision shall be coordinated with MNCPPC to minimize loss of natural resources within the right-of-way. Add new paragraph after D): Where outfall discharges onto MNCPPC property, safe conveyance shall be analyzed down into the floodplain and MNCPPC review shall be obtained. Add new paragraph after E): Drainage areas to proposed outfall points shall not be substantially increased (greater than 25% or 2 acres) as a result of the project. Any outfalls that receive additional flows during any storm event shall be analyzed for drainage course stability below the outfalls
PS 303-10	3.7 C) insert "MNCPPC" before:...and Montgomery County Department of Permitting Services" C) Also insert "road and" before "bridge deck"(per ROD commitment #29) D) Refer contractor to a table indicating the anticipated locations of dry surface ponds and dry underground chambers.

	Add new F) In areas that are not captured in structural treatment facilities, provisions shall be provided within conveyance system for litter collection. 3.7.1 A) rewrite: The best fit given the site context and minimization of footprint shall be considered. C) rewrite: BMPs shall be designed to be low maintenance.
PS 303-11	Pg. 17 of 36 3.7.2 A) General note: soil amendment is needed in conjunction with this, otherwise the highly compacted soils will be impervious. 3.7.3 C) Add to end of paragraph: These areas will not be considered for infiltration or W.Q. credits.
PS 303-12	Pg. 19 of 36 Table 6: In title, replace "Anticipated" with "Required"
PS 303-13	Pg. 23 of 36 3.8 Add note to this section about ESC areas which are temporary: "If forest is cleared for ESC and the ESC area does not become a permanent SWM, the area shall be restored and reforested."
PS 303-14	Pg. 24 of 36C) Need to identify a maximum size limit of an EDA, within and outside of SPAs.
PS 303-15	Pg. 27 of 36 No values are yet available for the daily penalties. Recommend that they be at least $5,000 for a C and $10,000 for a D, and $25,000 for an F, per EDA, if more than one EDA is open. Penalty fees should be higher in SPAs. Design Builder responsibilities: Something much more substantial than stakes and flagging will be needed to demarcate wetlands, LOD, etc. Consider 4-foot high woven wire fence with stakes 10 feet on center. Middle of same paragraph: Park representative would like to inspect demarcation along with SHA and MDE when adjacent to Park property.
PS 303-16	Pg. 28 of 36 First full sentence: Add "or fencing" to sentence: The D-B shall not remove any erosion/sediment control…
PS 303-17	Pg. 29 of 36 The last paragraph starting with Potential strategies should apply to all areas, not SPAs. Move up to end of C. C) add: …drainage areas adjacent to wetlands, floodplains, and streams shall…

	C) add to end: Clearing/disturbance to areas beyond those required for grading and construction should be minimized through use of linear ESC measures, stabilization techniques, and construction sequencing. Add new: E) Where underground SWM is provided, the detention vaults should be incorporated into erosion control facilities to the extent possible. Add new: F) Where SWM ponds are provided, those facilities should be incorporated into the ESC plan.
PS 303-18	Pg. 30 of 36 Add new bullets: • Minimize disturbed areas • Double linkage super-silt fence • Compost socks incorporated with silt fence • Sodding for immediate stabilization Sheet flow discharge: replace "mulch tubes" with "compost socks" Second bullet under Concentrated Flow: Stone check dams, compost socks, linings, strip sod, or other…
PS 303-19	Pg. 31 of 36 First bullet: …to forecast rain events by pumping to approved filter bag(s) (delete and mulch berm(s)) or other approved…4.1 E) Underdrain connections, location clearouts, and outlets. F) add at end: and instream measures required to maintain long-term stream stability Pg. 32 of 36 4.1 B) add to end: The plan shall also contain fencing for the LOD, tree protection, and wetland/buffer protection. Pg. 33 of 36 SWM Engineering Report Contents: add bullets: • Pre- and post- drainage area maps • Pre- and post- flows for each outfall for 1-, 2-, 5-, 10-, and 100-year storms
PS 303-20	Pg. 36 of 36 G) add at end: for pre- and post-construction flows
PS 305 – TRAFFIC PERFORMANCE SPECIFICATIONS	
PS 305-1	Tables 2 and 3. Include the "Revised Draft Guidelines for Accessible Public Rights-of-Way, FHWA, November 2005"
PS 305-2	Section 4.9 – Require rubrail where sufficient offsets are not provided.
PS 308 – STRUCTURES PERFORMANCE SPECIFICATIONS	
PS 308-1	Pg. 9 of 25: 3.7.1 Add sentence at end of first paragraph: "Orientation and location of abutments and piers shall be designed to minimize impacts to natural resources."
PS 308-2	Pg. 13 of 25: 3.7.13 Add statement" "Slope protection shall not interfere with wildlife migration"

PS 308-3	Pg. 21 of 25 3.10.1 add C) Alignment of culverts and wingwalls shall be designed to match existing conditions and minimize adverse impacts to receiving waters.
PS 308-4	Pg. 21 of 25 3.10.5 Specify paved solid bottom culverts; at end of sentence: Additional depth requirements may be stated in other sections of the RFP; General note: for 72-ich diameter or larger culverts, must be buried two feet
PS 308-5	All new bridges that carry the ICC above a local roadway must span the master plan recommended right-of-way for the roadway.
PS 308-6	Substructures for the Georgia Avenue busway and ultimate MD 28 crossings of the ICC should be included in the Design-Build contract to minimize future reconstruction costs
PS 309 – ROADWAY PERFORMANCE SPECIFICATIONS	
PS 309-1	Add "SHA Bicycle and Pedestrian Design Guidelines, February 2006 DRAFT" to the Table 1 references for design
PS 309-2	Add the AASHTO Guide for the Development of Bicycle Facilities (included in Table 1) as a referenced in Section 4.9 on Sidewalks and Shared Use Path specifications
PS 309-3	Where the shared-use path is located on the community side of noise walls, design features that incorporate Crime Prevention Through Environmental Design (CPTED) features must be considered, including potential for emergency phones. In addition to more clearly describing the types and designs for deer fencing gates, the PS should specify minimum distances for shared-use path from fencing and trees. Staff recommends where space permits a desirable clearance of 10 feet from noise walls and fences to the nearest trail edge. In addition, the path should avoid tree root zones of mature trees.
PS 309-4	At-grade crossings for the shared use path should include eight feet wide ADA ramps and 10 feet wide crosswalks.
PS 309-5	At all shared use path termini at roadways, the path design should include placement of bollards to prevent illegal vehicular access to the path.
PS 309-6	Incorporate a graded 30 feet natural surface shelf along the western abutment of the ICC bridge over the North Branch of Rock Creek to facilitate future construction of the planned North Branch hiker-biker trail
PS 309-7	SHA / MdTA to commit to providing signs identifying Intercounty Connector on bridge abutments or piers adjacent to the four Countywide Park Trails passing under ICC at such time as trails are completed and designated
PS 309-8	The minimum 10 feet shared-use path width stated in Section 4.9 should also specify the application of a minimum two feet clear zone on each side of the 10 feet path.

PS 309-9	No roadway should have a design speed more than 5 MPH greater than the current posted speed.
PS 309-10	Specify a 55 MPH design speed for the future Georgia Avenue Busway and ensure that accommodation is provided for northbound Georgia Avenue express buses to turn west onto the ICC without delaying those express buses continuing north on Georgia Avenue.
PS 309-11	Section 3.11.1: Add "Back side of sign panels to be painted to match supporting structure."
PS 310 – ENVIRONMENTAL PERFORMANCE SPECIFICATIONS	
PS 310-1	Similar to avoidance incentives included in the draft Request for Proposals (RFP) for wetland and stream impacts, staff recommends that there be significant financial incentives for retaining forest within the permitted Limit of Disturbance/Right of Way (LOD/ROW). The incentive should be proportionate to forest quality as follows: Exhibit 5 of the staff June 29, 2006 memo to the Planning Board lists areas along the ICC alignment that contain significant forest resources. Staff believes that these are areas where the contractor could protect mature forests within the LOD/ROW shown in the FEIS documents. The State Highway Administration (SHA) has recognized the need for these incentives; however, the avoidance incentive proposed for these resources by SHA does not reflect the value of forested habitats within M-NCPPC property. As with wetlands, the incentive must be equivalent to the value of the resource. Staff finds that the value of these resources are as important as the wetlands in the project, for which incentives are placed at up to $450,000 per acre within SPA and $300,000 per acre elsewhere. The incentives for Category A and Category B forest should be similarly valued, and reimbursement incentives to the Design/Builder (DB) for forest protection should be provided in increments of 0.25 acres.
PS 310-2	The RFP should also require the contractor to document how impacts to the meadow where an SWM pond is contemplated in the vicinity of Stations 295 through 303, within can be eliminated or reduced. This meadow is within the Upper Paint Branch Special Protection Area
PS 310-3	Page 6: Reference ROD Commitment to obtain DPS concurrence for Preliminary / Final Water Quality Plans in Special Protection Areas.
PS 310-4	Pg. 9 of 27 3.3.3 A - notify the Administration, MDE, and MCDEP 48 hours prior to any stream dewatering… B) include sentence: Fish screening shall be used to prevent uptake of aquatic biota during dewatering. D – this needs to be split out as its own numbered section (the same as TW and RTE Time of Year Restrictions), and re-worked to specify activities that are prohibited and those that can occur in Use III waters

	during stream restriction periods. As written, this subsection is not protective of the environment. At a minimum, grading activities with direct impact to receiving waters will be strictly restricted, including outfalls from ESC practices controlling ____ acres or more. Certain activities (within a specific size limitation) may occur with the use of redundant inlet protection, specific dewatering requirements, thermal impact protection, etc. in accordance with MDDNR and MCDEP guidance and past experience with construction activities in SPAs.
PS 310-5	Pg. 9 of 27: 3.3.4 Include the following text for type of temporary wetland protection fencing: 1. The wetland fencing locations should be staked prior to the pre-construction meeting. 2. Install a super silt fence along the buffer line. 3. Outside of the LOD line and beyond the super silt fence, install a 14 gauge 2 inch x 4 inch welded wire fence supported by steel T-bar posts (minimum four feet high) with high visibility flagging…or, 4. Orange blaze fence at least four feet high, 2 inch anchor posts with not less than 1/3 of the anchor post below grade, maximum 8 foot spacing between anchor posts, 2 inch x inch lumber cross bracing, and 6-8" wire "U" to secure bottom of fence.
PS 310-6	Pg. 10 of 27: 3.3.4. End of B: Additional Award Penalties will be assessed in the amount of _____ per square foot for any inadvertent impacts, in addition to the cost of restoration and mitigation.
PS 310-7	Pg. 10 of 27: 3.3.4. Eliminate the following species mentioned for stabilization: Oats (uniola sp.) and rye (secale cereale). Replace them with native species such as: perennial ryegrass (Lolium perenne), Virginia Wild Rye (elymus virginicus), and other native forbs and grasses
PS 310-8	Pg. 11 of 27: 3.3.4.3 The areas should be revegetated with both seed and plugs.
PS 310-9	Pg. 11 of 27: 3.3.4.4 The fourth sentence of this paragraph, should state, "No grubbing of vegetation that grows beneath the proposed bridges throughout the ICC alignment shall be allowed, except where needed to construct foundations or to place slope protection."
PS 310-10	Pg. 12 of 27: 3.3.4.4 First full paragraph after first sentence - add: Additional stream stabilization measures may be required to ensure stability of restored sections.

	The first full paragraph states, "There are NO temporary wetland impacts identified or permitted in the Project." This statement contradicts the statement made in 3.3.4.3 of this same section. There are temporary impacts to wetlands within the ICC corridor. Second paragraph after first sentence: Locations of crossings, access routes, and staging areas shall be submitted to SHA and MNCPPC for approval The areas shall be fenced to prevent encroachment beyond the agreed to LOD.
PS 310-11	Pg. 12 of 27: 3.3.4.5 Section (C) should include replacement of organic matter in addition to topsoil. Section (G) should require replacement to the LOD, not just within 30 feet of the stream bank
PS 310-12	Pg. 12 of 27: 3.3.4.6 Change "reduce the potential for creating fish blockages" to "avoid the creation of fish blockages."
PS 310-13	Pg. 13 of 27: 3.3.4.8 Add requirement that no bridge piers to be constructed within 20 feet of stream banks.
PS 310-14	Pg. 14 of 27: 3.3.4.9 Allow incentives for stream impact avoidance to be calculated in 25 feet increments rather than 100 feet increments
PS 310-15	Pg. 16 of 27: 3.3.6.2 Change beginning of period to avoid disturbance from "April 1" to "March 1."
PS 310-16	Pg. 17 of 27: 3.3.6.3 For culverts where amphibian passage is proposed (station 150 and 174), in addition to maintaining a baseflow where fish pass, the culvert should have a moist shelf that permits the passage of non-aquatic amphibians without desiccation.
PS 310-17	Pg. 22 of 27: 3.5.3 To control odors and dust, this paragraph states the use of "polymers, spray-on tackifiers, and barriers". These applications could have negative corollary effects on water quality, air quality, vegetation, etc. The M-NCPPC prefers the application of non-persistent, natural dust control measures.
PS 310-18	Add specification regarding tree protection areas: 1. Tees and tree save areas shown to be preserved on the site plans shall be protected by tree protection fence. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart shall be erected at the limits of clearing and grading as shown on the erosion and sediment control sheets in all areas.

	2. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed. 3. In the event any tree or portion thereof is dead or dying due to construction or environmental changes resulting from construction and/or clearing along parkland, and poses a hazard to either life or property, the D/B shall take such action as necessary to eliminate the hazard carefully. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and the application of compost.
GEN – GENERAL COMMENTS	
GEN-1	The state and county must follow County Code procedures for the abandonment and closure of public roads.
GEN-2	At Shady Grove Road. The existing bike lanes should be retained and 10 feet wide sidewalks should be included under the structure. Ramp I at Shady Grove Road needs to be constructed to functionally retain or replace the Shady Grove Access Road bike path being built by DPWT. Continuous sidewalks should be provided on both sides of Shady Grove Road through the reconstructed Metro Access Road interchange, and a sidewalk should be provided along the east side of Ramp I between Shady Grove Road and the Shady Grove Access Road Bike Path. A crosswalk is needed on the east leg of Shady Grove Road at Ramp I so that access to and from the westbound bike lane can be provided.
GEN-3	Ensure that the Notley Road overpass structure provides sidewalk connections to Royal Forest Lane and Paula Lynn Drive.
GEN-4	Provide a bike path connection between the ICC and Colesville Manor Drive.
GEN-5	Provide a striped crosswalk at the proposed intersection of MD 355 and Ramp L at O'Neill Drive. Accommodate the through-movement from Ramp L to O'Neill Drive. Consider reconfiguring the end of Ramp L so that an island is created at MD 355 between the right-turn lane and the other two lanes so that a protected crossing of MD 355 could be provided.
GEN-6	Consider the provision of sufficient space to accommodate a future pedestrian path on the east side of Ramp M under the ICC and Ramp L bridges.

GEN-7	Consider rerouting the proposed bike path within the US 29 interchange to be more around the eastern perimeter of the interchange, allowing a direct connection with the trail at the approved cul-de-sac on Stravinsky Drive, which leads to the Tanglewood community. Provision for this tie-in has been made as part of the Fairland View development.