



1925 pipe-rail bridge over Little Monocacy River  
West Harris Road, exceptional rustic

Montgomery Planning Upcounty Planning Division

02/09/2023  
Agenda item 6

# Rustic Roads Functional Master Plan Update

## Work Session #3



# Summary

- **Work Session #1:** January 5, 2023
  - Overall Support for the Program and the Plan
  - Background Information (DBUs, Bridges, State and Park Roads)
  - Recommendations by Category
- **Work Session #2:** January 26, 2023
  - Continuation of Work Session #1 and #2 Items
  - Plan Content and Organization
  - Rustic Road Maintenance Concerns
- **Work Session #3: Today**

# Discussion for Today's Work Session

## Continuation of Work Session #1 and #2 Items

- Awkard Lane
- Bridges
- Dedicated But Unmaintained
- Road Widths
- Drainage
- Design Exceptions

## RRAC Membership and Duties

- Background
- Duties

# Continuation of Work Session #1 and #2 Items

# Awkard Lane

Criteria for rustic road. Before classifying a road as rustic, the Council must find that an existing <b>public road or road segment</b> :	Meets Criteria?
(1) Is located <b>in an area where natural, agricultural, or historic features are predominant</b> , and where master-planned land use goals and zoning are compatible with a rural/rustic character.	No
(2) Is a <b>narrow road</b> intended for <b>predominantly local use</b> .	Yes
(3) Is a <b>low-volume road</b> with traffic volumes that do not detract significantly from the rustic character of the road.	Yes
(4)(A) has outstanding natural features along its borders, such as native vegetation, stands of trees, stream valleys; (B) provides outstanding vistas of farm fields and rural landscape or buildings; or (C) provides access to historic resources, <b>follows historic alignments</b> , or highlights historic landscapes.	Yes
(5) The history of vehicle and pedestrian crashes on the road in its current configuration <b>does not suggest unsafe conditions</b> .	Yes

# Awkard Lane

## Public Comments

- A resident, Ms. Mauldin, provided an analysis of the criteria as to why Awkard Lane should be made a rustic road:
  - Contends that the road is in an area where natural, agricultural, or historic features are predominant.
  - Included pictures showing a one-lane gravel road passing between trees and over a small stream to show that the road meets the criteria of having outstanding natural features along its borders, such as native vegetation, stands of trees, or stream valleys.
  - Stated that the stream valley presents an outstanding rural vista.

## Plan Recommendation

- Retain current Plan recommendation: **do not designate rustic.**

## Rationale

- The portion of road used to justify Awkard Lane's inclusion in the Rustic Roads Program is **not a public road** and is therefore not eligible for the program.



Views along Awkard Lane beyond the public portion of the road



Google Street View of Awkard Lane at its intersection with Holly Grove Road

# Bridges as Significant Features

## Existing Plan Language for Bridge Section in the Introduction Chapter

- Staff agreed to revise the text to:
  - Clearly identify which bridges have been designated or nominated as historic resources
  - Identify the objective when non-historic bridges are identified as significant features
- Staff recommends **replacing the sentence** (in red) with more comprehensive language (see following slides):

*The bridges on roads in this master plan are varied and offer interesting character and historic value, while still providing the functionality for vehicles. **Many of the bridges on rustic roads have been identified as significant features.** Generally, the design is far more attractive and more appropriate to the type of road than new construction would be. Bridge designs that are aesthetically acceptable are needed along rustic roads.*

# Bridges as Significant Features

## Plan Recommendation: Introduction Chapter

- Insert **new text after the first paragraph** (see page 4 of the staff report) that:
  - Identifies the ~~four~~ **five** bridges eligible for listing on the National Register of Historic Places.
    - Add **Montevideo Road (Mont. Co. Bridge #M-0030)** to the list of bridges found eligible for listing in the National Register of Historic Places.
    - Update **road profile** to include details about the rehabilitation project and National Register eligibility.
  - States that most bridges have not been evaluated for local designation.
- Insert **new text after the current second paragraph** (see page 4 of the staff report) that:
  - Explains that the maintenance and improvements of all bridges on all rustic and exceptional rustic roads is addressed by existing Executive Regulations.
  - Acknowledges the great number of new bridges being identified as significant features.
  - Stresses how important it is that maintenance and improvement projects on bridges preserve and enhance the rustic appearance of the road.



Bridge #M-0030 over Dry Seneca Creek, Montevideo Road (exceptional rustic)



# Bridges as Significant Features

## Planning Board Request

- Provide legislative clarity in Chapter 49 on how to treat bridges on rustic roads regardless of whether they have been designated as significant features.
  - Chapter 49 currently specifies that significant features are to be preserved.
  - Executive Regulations specify *how* they should be preserved and should be based on the text in County Code that the regulations are implementing.

## Change to Plan Recommendation for Implementation Chapter

- Staff recommends a technical correction to a new plan recommendation agreed to at the previous work session:

*Amend Chapter 49 to clarify how a bridge on a rustic road should be preserved when ~~maintenance is~~ **improvements are** necessary, regardless of whether the bridge has been identified as a significant feature.*

# Bridges – Background Information

## Executive Regulations – Bridge Improvements

- Both Rustic and Exceptional Rustic Roads
  - Bridge replacement or rehabilitation must be of **a design and material which preserves or enhances the rustic appearance of the road.**
  - Bridges must be replaced at **a scale and with materials similar to those of the previously existing structure.**
- Rustic Roads
  - If a **different design** is required **for environmental, economic, or safety reasons**, new bridges must be of **a design and material that complements or enhances the rustic appearance** of the roadway.
  - Correction of substandard approach road geometries must be made **in character with existing unmodified portions of the roadway.**
  - All new or rehabilitated structures must be designed with **adequate weight bearing capacity** and **horizontal clearances** to **accommodate emergency vehicles and agricultural equipment.**
  - Actual roadway surfaces on **bridge decks must be compatible in width to the width of the unaltered roadway.**
- Exceptional Rustic Roads
  - A **different design** may only be required for **environmental or safety reasons**, but not for economic reasons.
  - A **deck can only be widened if necessary for the transportation of agricultural equipment.**

# Bridges as Significant Features

## Discussion

- 7 bridges on rustic and 5 bridges on exceptional rustic are currently identified as significant features, primarily because of the design of the bridges. An additional 2 bridges have been identified as new significant features because of interesting features.
- 13 bridges on exceptional rustic and 11 bridges on rustic roads have been identified as new significant features because of **their contribution to the character of the road** (not the design of the bridges).

## Recommendations

- Add the following text to the end of Section 49-78(d):

*Replacement or rehabilitation of a bridge identified as a significant feature must be of a design and materials that preserve or enhance the rustic appearance of the road. Special bridge design features identified **in the road profiles** in the Master Plan should be preserved. If a different design is required for safety reasons or to accommodate the movement of agriculture-related equipment, a new bridge must be of a design and materials that complement or enhance the rustic appearance of the road.*

# Dedicated Funding for Rustic Road Maintenance

## Public Comments

- Provide a dedicated funding source for the maintenance of rustic roads. (RRAC, Agricultural Community)

## Plan Recommendation

- Do not make any changes to the Plan to address maintenance funding.

## Rationale

- The request should be considered by MCDOT, the County Executive, and the County Council when formulating operating budgets. However, the request is beyond the scope of a master plan.

# Dedicated But Unmaintained (DBU) County Road Policy

## Public Comments

- Requested the opportunity to review the language the staff is adding to the Plan. (RRAC)

## Plan Recommendation

- Staff proposes a new section discussing DBUs be added to the **Introduction Chapter** in the **Related Plans, Programs, and Policies Section**. Please see pages 8 and 9 in the staff report for the proposed text.
- Staff also suggests that the following Plan recommendation should be added to the **Implementation Chapter**:

*Revise the Dedicated But Unmaintained (DBU) County Road Policy to provide context-sensitive guidance on how an existing road on the DBU County Roads list can be brought up to a standard that MCDOT will accept.*

# Road Widths

## Public Comments

- Concerns that the language regarding road width ranges on rustic roads will be misunderstood by future MCDOT staff and enable them to pave the roads the maximum width in the future. (RRAC)

## Plan Recommendation

- Staff proposes that the following text (in blue) be added to the **Road Characteristics Section of the Road Profiles Chapter** to address this concern:

*The road characteristics table shows the extents of the rustic designation as well as the road's length, width, surface materials, lane markings, and the presence of shoulders or roadside curbing. **The width shown in the table is frequently expressed as a range because road widths vary throughout their length. Actual road widths should be documented along a road or road segment before any maintenance or improvements are undertaken.***

# Drainage

## Public Comments

- Add text regarding drainage that says ditches may sometimes occur on rustic roads (although adding ditches is discouraged) and culverts need to be maintained properly to avoid road damage. (RRAC)

## Plan Recommendation

- Staff proposes adding text to the **Drainage Section** elaborating on ditches and culverts (see page 10 of the staff report).
- Staff proposes the following revision to Recommendation 13 in the **Implementation Chapter** to be consistent with similar plan recommendations:

*13. Drainage should be maintained consistent with the Executive Regulations on “Drainage.” Use best practices to manage drainage on roads without storm drains or ditches.*

- Add a new recommendation following Recommendation 13 in the **Implementation Chapter**:

*Culverts under rustic roads should be routinely inspected and cleared. Amend the Executive Regulations on Drainage to include routine inspection and clearing of culverts.*

# Drainage

## Public Comments

- MCDOT should provide an inventory of the culverts along rustic roads so that the Committee can help identify which ones are blocked. (RRAC)

## Plan Recommendation

- Do not add a culvert inventory to the Plan.

## Rationale

- MCDOT is responsible for carrying out routine inspections and maintenance.



# Design Exceptions

## Public Comments

- Add note that the Federal Highway Administration allows design exceptions be reinserted in the recommendation regarding design exceptions. (RRAC)

## Plan Recommendation

- Do not add text to the Plan.

## Rationale

- The Plan does not need to specify about which agency or level of government allows design exceptions or provides funding for bridge projects.

# RRAC Membership and Duties

# Proposed RRAC Membership Change

## Public Comments

- Increase the number of members on the advisory committee from **seven to nine**. (RRAC, Individuals)
- **Eliminate the 50 percent farm income requirement** for farmer members on the committee. (RRAC, Individuals)
- **Oppose changes** to the increase in the number of members on the committee and elimination of the farm income requirement. (APAB, AAC, Individuals)

## Rationale for Proposed Change in Membership from RRAC

- RRAC members are volunteers, and the workload is significant.
- An increase in membership will help promote the County's Racial Equity and Social Justice Initiative.

## Rationale for **not** Changing Membership Requirements for the RRAC

- Additional members that do not have to meet the income requirement would diminish farmers' input in decisions that may affect their businesses.

# Proposed RRAC Membership Change

## Background

- The issue was initially brought up by the RRAC and considered by the County Council during Bill 24-22 (Complete Streets Design Guide).
- The Transportation and Environment (T&E) Committee of the County Council agreed with Planning Staff that this issue should be discussed during the Rustic Road Functional Master Plan Update.

# Current RRAC Membership Criteria

County Code Section 49-80 specifies the following membership criteria and how members are appointed:

*The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. The Committee has 7 voting members. Each member must be a resident of the County. The Executive should appoint:*

- (1) 3 members who are **owner-operators of commercial farmland earning 50 percent or more of their income from farming**, one of whom is a representative of the Agricultural Advisory Committee;*
- (2) one member who knows **rural preservation techniques** through practical experience and training;*
- (3) one member who knows **roadway engineering** through practical experience and training;*
- (4) one member who represents **civic associations located in the Agricultural Reserve**; and*
- (5) one member who represents **civic associations in areas located outside the Agricultural Reserve** where there are rustic roads.*

# Duties of the RRAC

- The duties and responsibilities of the RRAC are found in:
  - **Article 49**, Street and Roads
  - **Article 50**, Subdivision of Land.
  - The **Executive Regulations** associated with Article 49

# Duties of the RRAC – Chapter 49

County Code Chapter 49, Streets and Roads, Section 49-80

(e) Duties. The Committee must:

- 1) **promote public awareness** and knowledge of the County rustic roads program;
- 2) **review and comment on classification** of rustic roads and exceptional rustic roads;
- 3) **review and comment on Executive Regulations and other County policies and programs** that may affect the rustic roads program; and
- 4) **report** on June 1 of each even numbered year to the Executive, the Council, and the Planning Board on the status of the rustic roads program.

# Duties of the RRAC – Chapter 50

## Chapter 50, Subdivision of Land

- Requires “scenic vistas designated by the Rustic Roads Plan” **be shown on a plan drawing**
  - The RRFMP encourages the preservation of views and vistas when the construction of new buildings occurs
- The Planning Board must not require improvements as part of the review of subdivision applications that would be contrary to the Rustic Roads legislation.
  - Allows the Board to waive a requirement incompatible with a rustic road or substitute an alternative requirement that is not.
  - Only when Chapter 50 requires an improvement that is contrary to the Rustic Roads law or Executive Regulations would the Board **seek the advice of the RRAC** and take other actions if feasible.
- Chapter 50 **does not explicitly require** that any application be reviewed by the RRAC.
- Planning staff routinely coordinates the review of applications on rustic roads with the RRAC.



# Duties of the RRAC – Executive Regulations

## COMCOR 49.79.01 Rustic Roads

- The RRAC will **review road improvement projects** prior to Mandatory Referral application by MCDOT.
- The RRAC will **review sign permits** on rustic roads.
- The RRAC will **provide comments to MCDOT on rustic road maintenance and improvement procedures** (as directly specified in Chapter 49)

# Other Duties Performed by the RRAC

## Other Development Application Review

- Conditional Use and Site Plan applications follow procedures under the Zoning Ordinance (Chapter 59).
- **There are no provisions** under Chapter 59 that require a review by the RRAC. However, applications must be in substantial conformance with master plans (e.g. the *Rustic Roads Functional Master Plan*).
- Planning staff routinely coordinates the review of applications on rustic roads with the RRAC.

## Guidelines for Foliage and Tree Maintenance

- The RRAC and MCDOT established an agreement on procedures to trim trees on rustic roads and reviews performed by the RRAC as part of these procedures.

# Proposed RRAC Membership Criteria

## Recommendation

- Revise Section 49-80 as shown on the following slide.

## Rationale

- Provides for a **larger pool of candidates**.
- Increases the possibility that new members will **add to the diversity** of the RRAC because they may be from an unrepresented group.
- **Keeps the income threshold** for the farmer members.
- Helps ensure that **at least one member** representing the AAC is **nominated by the AAC** (although **all three should meet the income threshold**).

# Proposed RRAC Membership Criteria

- (a) Membership. The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. The Committee has 9 voting members. Each member must be a resident of the County. The Executive should appoint:
- (1) 3 members who **operate commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee** and has been recommended to the Executive by the AAC;
  - (2) one member who **grows primarily table crops** along a rustic road;
  - (3) one member who knows **rural preservation techniques** through practical experience and training, is an **expert in tourism or historic sites** along the roads, or is a **member of a religious institution** on a rustic road;
  - (4) one member who knows **roadway engineering** through practical experience and training;
  - (5) one member who **lives in an area where there are rustic roads**;
  - (6) one member who **operates an agritourism business**, such as a winery, brewery, farm stand, or recreation or entertainment venue on a rustic road;
  - (7) one member who **regularly uses the roads to engage in or reach places for outdoor recreation**, such as to bike, boat, kayak, hike, fish, ride horses, or go birding.

# Duties of the Committee

## Recommendation

Amend Chapter 49 to specify all duties that are to be performed by the RRAC. As identified above, the Committee is also tasked with:

- reviewing and providing comments on subdivision applications when the requirements of the Subdivision Regulations conflict with the Rustic Roads law or Executive Regulations;
- reviewing and providing comments on proposed improvements to rustic roads; and
- reviewing and providing comments on proposed signs within the right-of-way of a rustic road.

# Full-Time Staff Member

## Public Comment

- Dedicate a full-time staff member to the Rustic Roads Program with support from the volunteers on the RRAC. (Individual)
  - Other County committees have paid staff to help with committee work. (RRAC)

## Plan Recommendation

- Staff does not recommend a full-time position for the Rustic Roads Program.

## Rationale

- Chapter 49 already requires a “Chief Administrative Office” help with committee needs. A representative from MCDOT carries out much of these duties.

# “Stakeholders”

## Public Comment

- Revise the Plan language that refers to the Committee as one of the “stakeholders” of the Master Plan and the Rustic Roads Program. (RRAC)

## Plan Recommendation

- Staff does not recommend the change.

## Rationale

- The term accurately applies to the Committee.

# Request to Transmit

## Recommendation:

Approve plan with approved revisions as the Planning Board Draft and transmit to County Council.