



MONTGOMERY COUNTY, MARYLAND  
DECEMBER, 1994

---



# Report and Recommendations on Interim Utilization of the Georgetown Branch Right-of-Way

---

Task Force to Implement Interim Utilization of the  
Georgetown Branch Right-of-Way from Bethesda to  
Silver Spring as a Recreational Trail



## Montgomery County Government

ROCKVILLE, MARYLAND 20850

December 2, 1994

Montgomery County Council  
Stella Werner Council Office Building  
100 Maryland Avenue, 6th Floor  
Rockville, MD 20850

Dear Councilmembers:

Together with this cover note, I am transmitting the final report of the Task Force that the Council appointed on September 20, 1994 to explore establishing an interim trail in the Georgetown Branch right-of-way from Bethesda to Silver Spring. I appreciate the Council's trust in appointing me to chair the Task Force. I hope that this report will serve as a solid foundation for proceeding with the interim trail.

I am happy to say that the Task Force has devoted its attention to developing positive recommendations on how best the interim trail can be developed. Although each member of the Task Force had specific issues they wanted to address regarding the trail, the group worked together in a consensus-building fashion to address those concerns, while seeking to develop a coherent interim trail proposal.

We have not resolved all the issues that arose during our deliberations. The Council will need to make decisions on several design and legal issues that we have identified in our report. These include whether to remove the current rails and ties, whether to use a bluestone or wood chip surface for the trail, and how to address concerns of Columbia Country Club about the section of trail through its property. At the same time, we have tried to provide the Council with a solid base of information on which to make these decisions.

With potentially very little investment of County funds, the County should be able to develop a useful interim trail between Bethesda and Silver Spring. At a minimum, a serviceable trail can be developed by installing a wood chip trail, preferably after removing the rails. If storm water costs can be kept in bounds, for little more, a much better trail with a bluestone surface can be developed. And if costs of rehabilitating the Rock Creek trestle can be kept within reach, adding that component would make for a stellar trail.

Montgomery County Council  
December 2, 1994  
Page Two

A substantial portion of the work on the trail can be done in exchange for the salvage value of the rail. Furthermore, the Task Force is confident that some of its members will step forward to assist with funds for this project.

In closing, I wish to convey special appreciation to the other members of the Task Force and to the County staff who assisted us in our deliberations. Justina Ferber, Janet Swope, Cathie Titus, Ed Daniel, and John Hummel deserve special kudos for their enormous commitments of time and energy. Justina, Ed, and John, as well as the other Task Force members, gave up many a weekday evening in the service of this project. I thank them all for their assistance, their good nature, and their dedication.

Sincerely,

A handwritten signature in black ink, reading "Henri D. Bartholomot". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henri D. Bartholomot  
Chair, Interim Trail Task Force

**Recommendations for Developing an Interim Trail**  
**Along the Georgetown Branch Right-of-way**  
**Between Bethesda and Silver Spring**

Report to the Montgomery County Council  
Submitted on December 2, 1994  
By the Council-Appointed Interim Trail Task Force

Interim Trail Task Force Members and Staff

Henri Bartholomot, Task Force Chair  
Coalition for the Capital Crescent Trail

Peter Lafen  
Greater Silver Spring Chamber of Commerce

Michael McGovern  
Columbia Country Club

Thomas Miller  
Greater Bethesda-Chevy Chase Chamber of Commerce

Harry Sanders  
Action Committee for Transit

John Staffier  
Greater Bethesda-Chevy Chase Coalition

Barbara Steckel  
League of Women Voters

Eric Von Salzen  
Community Resident

Mier Wolf  
Town of Chevy Chase

Edward Daniel (non-voting member)  
County Department of Transportation

John Hummel (non-voting member)  
County Planning Department

Glenn Orlin (non-voting member)  
County Council Staff

Justina Ferber (administrative staff)  
County Council Staff

## Table of Contents

	<u>Page</u>
Executive Summary .....	iii
Report .....	1
1. Purpose and Focus of Study .....	1
a. Background information .....	1
b. Council Resolution .....	2
c. Task Force Membership .....	2
d. Study Process .....	3
e. Information Reviewed .....	4
2. Recommendations .....	4
a. Trail alignment, configuration, surface .....	4
b. Road crossings .....	11
c. Columbia Country Club .....	13
d. Wisconsin Avenue tunnel .....	14
e. East West Highway bridge .....	15
f. Rock Creek trestle .....	17
g. Silver Spring connections .....	18
h. Neighborhood access, screening .....	20
i. Trail maintenance, safety .....	21
j. 4(f), CITU issues .....	22
3. Interim Trail Cost and Funding .....	23
a. Cost to Implement the Trail .....	23
b. Public-Private Contributions .....	26
c. Phasing .....	27
4. Conclusion .....	27
Supplemental Views .....	A-1
Appendices .....	B-1

## Executive Summary

In July 1994, the Montgomery County Council passed a resolution establishing this Task Force to recommend how an interim trail can be installed in the Georgetown Branch right-of-way between Bethesda and Silver Spring. The County and State of Maryland are currently evaluating whether to proceed with a proposed transitway-trail project in this section of the right-of-way. That evaluation and the ensuing decisions on ultimate use of the corridor will take some years to complete. Meanwhile, because the County has made a substantial investment in the corridor and there is community interest in an interim trail, the resolution supports proceeding with such a trail.

To summarize our conclusions, the Task Force recommends that the County proceed to install an interim trail from Bethesda to Silver Spring, in accordance with the recommendations set out in this report. In particular, the Task Force would like to see the trail extend as far as possible between Bethesda and Woodmont Avenues in downtown Bethesda and Stewart or Kansas Avenue in Silver Spring, with on-road connections to downtown Silver Spring. The goal is to provide a good quality interim facility that will benefit as many county residents as possible.

Subject to two qualifications, the majority of the Task Force recommends that the County should remove the rails and ties that are now located in this corridor, and in their place should install a bluestone surface trail (or if necessary to keep costs within acceptable bounds, as discussed further below, a wood chip trail). A minority would prefer to leave the rails and ties in place, at least for now, and add some bluestone or wood chips to cover the ties. The majority's recommendation is based on a variety of factors, including that removing the rails and ties would produce a wider, safer, more useable trail than leaving them in place (ten feet wide versus four feet eight inches wide). Also, removing the rails and ties would make it easier to install the trail surface, and the resulting trail would cost about the same as trying to install even a thin-surface trail between the rails. The minority plans to file a separate statement elaborating its views.

The first qualification on the majority's recommendation is a question -- whether removing the rails and ties would impair the County's legal posture in the three existing court cases involving the right-of-way. The Task Force hopes that removing the rails and ties would not impair the County's position in these cases because the County has acquired the right-of-way under a Certificate of Interim Trail Use that specifically preserves the right-of-way intact for later rail use and authorizes trail use of the corridor. Furthermore, we believe that the adverse possession claims in the cases have to do with ownership of the "wings" of the corridor, not the center portion where the rails and ties are. However, to give the Council additional information to consider on this point, the Task Force recommends that the Council seek input from the County Attorney's office, keeping the preceding points in mind.

The second qualification has to do with the cost of the trail. In particular, we hope that installing a bluestone trail will not trigger storm water management measures that would be so costly as to threaten the trail's viability. Staff at the County's Department of Environmental Protection ("DEP") have indicated that they would tend to treat a bluestone trail as impervious. In turn, this could trigger potentially costly storm water management measures, though the County DOT may be able to obtain a waiver or deferral from the requirements. In the Task Force's view, for the reasons set out in section 2(a) of this report, such high-cost measures should not be required. We are particularly concerned about the precedent being set that the County's park trails may require costly, heavily engineered storm water management measures. In any event, the Task Force hopes that storm water management requirements can be kept well within reasonable bounds.

If storm water management costs cannot thus be minimized, the Council will need to make an informed judgment whether to proceed with the bluestone trail in one stage, to install that trail in multiple stages, or to use a wood chip surface instead (in all cases, removing the rails and ties). DEP staff have indicated that a wood chip surface would not trigger storm water management requirements, or at least as many of the requirements as a bluestone trail. However, a wood chip trail would require a higher degree of maintenance than a bluestone trail -- wood chips would need to be added between one and four times per year, depending on the volume of use the trail would get, and the trail would need regular re-grading. Also, wood chips would not provide as good a surface as bluestone for bicycling. Similarly, installing the trail in stages would limit its overall availability and hence usefulness. Our preference would be to use bluestone and to install the trail promptly and in one stage (treating the Columbia Country Club section and Rock Creek trestle as separate issues), if feasible.

While the Task Force believes that little or no storm water management should be necessary for the interim trail, there are three spots within the right-of-way where existing, local storm water issues need to be addressed -- just east of Wisconsin Avenue, near the Riviera Apartment Building in Bethesda, and east of the Rock Creek trestle in Silver Spring. However, those issues do not stem from the proposed trail. In our view, they should be addressed by the County independently of the interim trail project, and the cost of addressing them should not be treated as trail costs.

A much smaller cost concern is what sediment control measures might be required to install the trail. DEP staff have indicated that some sediment control is likely to be required if the rails and ties are removed. However, at most, these measures might cost \$40,000. Also, removing the rails and ties would reduce the cost of installing the trail by as much as half of this amount and would generate income to fund the trail through the salvage value of the rail. Also, DEP staff says some sediment control measures might be required even if the rails and ties were left in place. In any case, the Task Force believes that sediment control measures can be kept within reasonable bounds through use of careful construction practices.



As mentioned, a minority of the Task Force would prefer to leave the rails and ties in place and add bluestone or wood chips between the rails, taking out the rails and ties at a later date. Their view is that the County might want to use the rails for the transitway, and that the rails and ties would have symbolic value in conveying that the interim trail is not a final project. However, the majority of the group believes that the resulting trail would be too narrow and of much less benefit to the community. Also, based on information we have obtained from the State and Bechtel, the majority's best judgment is that the State is not likely to want to reuse the existing rail for the transitway. As for conveying that this is an interim trail, the trail surface itself will help to convey this message, which could be augmented by signs or other measures saying "this is an interim trail."

The interim trail will cross roads at-grade at three locations -- at Bethesda and Woodmont Avenues in Bethesda, at Connecticut Avenue north of East West Highway, and at Jones Mill Road just south of the intersection with Jones Bridge Road. As a starting point for the interim trail, the Task Force recommends that trail users be directed to the traffic signals nearest each of these crossings, using the most direct route possible. Over time, we hope that the trail crossings can be made even more convenient for trail users. Meanwhile, shrubs and discreet signs should be used to direct trail users to the crossings.

The Task Force recommends that the trail be installed in the tunnel under Wisconsin Avenue, and that lights be provided in the tunnel, along with perhaps a plexiglass mirror at the slight bend at the tunnel's mid-point. In addition, we recommend providing a ramp to the Elm Street Park just east of the tunnel, to allow access to the eastern part of the Bethesda central business district.

We also recommend that the trail be opened in the section of right-of-way below the East West Highway bridge. State Highway Administration staff have said that it is feasible to keep the trail open when the bridge is reconstructed, during most of 1996 and 1997. The State staff would be happy to explore how best the trail could be kept open during this work.

Columbia Country Club has expressed a number of concerns about the one-third mile section of the trail corridor that runs through its property. In particular, the Club wants to keep trail users on the trail and to protect itself from liability, among other issues. The Club's Board of Directors has said that it wants the County to settle the ongoing court cases with the Club before proceeding with this section of the interim trail. Furthermore, when this section is installed, the Board wants it installed in accordance with the Club's proposed settlement of the court cases -- in a recess or trench, with fence and screen plants along both sides. The Club has urged the Task Force to let the County and Club negotiate a resolution of these issues.

The other members of the Task Force are sensitive to the Club's concerns, as well as the County's interests. We believe that the County and Club need to discuss the various issues raised by the Club and need in good faith to seek to reach agreement on how best to proceed with this section of the interim trail. At the same time, several members of the Task Force are concerned that the Club's proposal for trenching the trail would substantially increase the cost of this section over the cost of using screen fence and plants along this section. We also are concerned about the effect on the trail of putting it in a trench. (The Coalition for the Capital Crescent Trail opposes the trenching proposal for these reasons.) In addition, the Task Force would like this section of the interim trail opened as expeditiously as possible.

Therefore, the Task Force encourages the County and the Club to negotiate in good faith how this section of the interim trail can be installed while addressing Club, County, and Task Force concerns. At the same time, we encourage the Club and the County to seek to reach agreement promptly so this section of the interim trail can be installed without undue delay, even if other issues may remain to be resolved in the underlying litigation. While these negotiations are underway, we recommend that the County not install this section of the trail, but proceed with the remaining sections of the trail.

If feasible, the Task Force would like to open the trestle over Rock Creek for interim trail use. Unfortunately, based on an inspection of the trestle done by a firm for the County Department of Transportation, this may be fairly costly. Depending on the extent to which costs can be kept in check, opening the trestle could cost between \$200,000 and \$600,000, perhaps more. On the other hand, the trestle would vastly increase access to the interim trail for Silver Spring residents, and it would vastly improve access to Silver Spring for trail users. Also, repairing the trestle for interim trail use would preserve it for later potential use with a transitway and/or final trail. Especially if costs can be kept on the lower end of the above range, we encourage the Council to consider making that investment. One possible source of funds for this might be the federal ISTEA program that has already helped to fund completed sections of the Capital Crescent Trail.

On the east end of the trail, the Task Force recommends connecting the trail to downtown Silver Spring along specific roads north of the corridor starting at Stewart Avenue, as discussed further in section 2 of this report. If the County could secure CSX permission to carry the trail eastward along a quiet nub of the Georgetown Branch that the railroad still owns, good connections also could be made south of the right-of-way at Kansas Avenue. Another alternative for connections to the south would be to seek permission from the commercial property owner south of the right-of-way at Stewart Avenue to connect through their property to Kansas Avenue.

The overall cost of the trail just described, apart from the Rock Creek trestle and the section through the Columbia Country Club, could be as low as \$67,000 or lower, depending on several factors. A rail broker who helps the Rails-to-Trails Conservancy develop rail-trails has indicated that it should be possible to remove and salvage the rail, stack the ties, smooth the ballast, and deck the Rock Creek trestle at no cost to the County. Other professionals also have confirmed that the rail has substantial net salvage value that could be used to pay for this type of work. Neither the rail broker's proposal nor the \$67,000 includes the indeterminate costs for sediment control or storm water management, though we hope that those could be kept to a minimum. Nor do they include the Elm Street Park access ramp, whose cost we have not yet been able to estimate. The \$67,000 would pay for bluestone, lights in the tunnel under Wisconsin Avenue, and some plants and fence needed to screen neighbors from the trail. One option would be to seek to lower this cost by having the rail broker do some of this work instead of decking the trestle.

Our hope is that the funds for this basic trail could be provided from the County's bikeway budget and the trail could be installed in the coming year. We recommend treating the section of the trail through Columbia Country Club and the Rock Creek trestle as issues separate from the remainder of the trail. As discussed above, the County and the Club should attempt to reach agreement about the section through the Club. The trestle should be installed when funds are available to do the necessary repairs. We believe that some of the groups represented on the Task Force and communities adjacent to the trail will provide funds or other assistance for installing and maintaining the trail.

## **Report**

### **1. Purpose and Focus of Study**

#### **a. Background Information**

In 1988 Montgomery County, and in the same time frame the National Park Service, acquired separate sections of an eleven mile long railroad right-of-way formerly known as the Georgetown Branch from CSX railroad. The County's section of the right-of-way runs between Silver Spring, Maryland and the D.C. line in Chevy Chase, Maryland. The Park Service's section runs from the D.C. line on down to Georgetown.

The County acquired its portion the right-of-way under a Certificate of Interim Trail Use ("CITU") issued by the Interstate Commerce Commission ("ICC"). The Certificate preserves the right-of-way intact under section 8(d) of the National Trails System Act to accommodate a trail. The CITU also recognizes that the County planned to add a mass transit facility along with the trail between Bethesda and Silver Spring. The National Park Service acquired its portion of the right-of-way through a standard property transaction, not under a CITU, after the ICC permitted the railroad to abandon service on the D.C. section of the right-of-way. However, the Park Service also planned to develop a trail in its section of the corridor.

The County and the Park Service have designated this corridor as the site of the Capital Crescent Trail, a master-planned "hiker-biker" trail intended to connect Bethesda, Silver Spring, Georgetown, Rock Creek Park, and the C&O Canal National Historic Park. Since the County and Park Service acquired their sections of the right-of-way, they have made substantial progress installing a completed trail between Bethesda and Georgetown.

Specifically, the County has installed a 10-foot wide asphalt surface trail, and where feasible an adjacent 4-foot wide bluestone trail, from Bethesda Avenue to approximately one-quarter mile northeast of the D.C. line. Similarly, the Park Service has installed a comparable trail between the Arizona Avenue trestle (north of Fletcher's Boathouse along the C&O Canal) and Georgetown. Tracks and ties have been removed in the remaining section between the trestle and where the County trail ends. However, that section of trail will not be completed until around mid-1995 because of work remaining to be done on the trestle and a water pipe being installed along a small part of the section to serve Arlington County. The entire section of the trail between Bethesda and Georgetown, including the section still in an interim state, is already being heavily used by bicyclists, hikers, runners, walkers, and families.

In contrast, the section of the corridor between Bethesda and Silver Spring has remained undeveloped because of uncertainty over the long-term use of that section. The County Executive and Council have asked the State of Maryland to provide federal mass transit funding for a light rail line, to be located in this section of the corridor along with a trail that would be separately funded.

As a result of the request for federal mass transit funding, the State is now conducting a "Major Investment Study/ Draft Environmental Impact Statement" study of the proposed project. If the State's study concludes that the proposed project meets the requirements to obtain the federal funding, including environmental requirements under the National Environmental Policy Act, then the project would need to be approved by relevant County, State, and Federal decisionmakers. Once approved, it would then need to be designed, put out for bids, and a contractor selected before work would begin. This overall process appears likely to take on the order of five years or more to complete before work would begin.

**b. Council Resolution**

Recognizing that the County has made a substantial investment in the right-of-way and that the community is interested in being able to use the section between Bethesda and Silver Spring, the County Council passed a resolution on July 19, 1994, establishing the Interim Trail Task Force. The resolution expressed the Council's desire to develop an interim trail in this section of the corridor, pending resolution of the longer-term proposed transitway-trail project. The Council directed the Task Force to provide recommendations on how such an interim trail could best be developed. The Council appointed members of the Task Force on September 20, 1994 and gave the group 60 days to complete its work and report back to the Council.

**c. Task Force Membership**

Recognizing that there are a number of issues to be addressed in developing an interim trail, the Council drew on a variety of interested organizations in appointing Task Force members. Specifically, the Council appointed Henri Bartholomot from the Coalition for the Capital Crescent Trail to chair the group. In addition, the Council appointed Peter Lafen from the Silver Spring Chamber of Commerce, Michael McGovern from the Columbia Country Club, Thomas Miller from the Bethesda Chamber of Commerce, Harry Sanders from the Action Committee for Transit, John Staffier from the Greater Bethesda Chevy Chase Coalition, Barbara Steckel from the League of Women Voters, Eric Von Salzen as a community resident, and Mier Wolf from the Town of Chevy Chase, as voting members of the group.

To assist the Task Force in its deliberations, the Council also appointed Edward Daniel from the County Department of Transportation, Glenn Orlin from the County Council staff, and John Hummel of the County Planning Department, as non-voting members. These members, in particular Mssrs. Daniel and Hummel, participated actively in many of the Task Force's deliberations. Furthermore, they conveyed the views of other County and State staff, including staff within their own agencies. This report reflects their substantial input, which shaped many of the Task Force's recommendations. Nonetheless, these members wish to convey that the report does not necessarily reflect their views or the positions of their agencies.

In addition, the Council asked Justina Ferber, also of Council staff, to help conduct the Task Force meetings, take minutes, and otherwise assist the Task Force. The Task Force wishes to express its deepest appreciation to these County employees, in addition to Ms. Ferber's assistant Janet Swope and Council staff Cathie Titus, for all of their assistance.

#### **d. Study Process**

The Task Force has ended up meeting weekly, for two hours or more each week, since it began its deliberations. In addition, Mssrs. Bartholomot, Daniel, and Hummel have spent considerable time between meetings gathering information for the Task Force to review.

At the Task Force's first meeting on October 3, Councilmember Krahnke welcomed the group and thanked us for coming together to work on this study. Council staff Zoe Lefkowitz also conveyed Councilmember Leggett's appreciation to the Task Force. Mr. Bartholomot summarized the Task Force's charter under the Council resolution and sketched out a plan of how the group might accomplish its business. With the group's approval, we then spent the remainder of that meeting identifying specific interim-trail issues to discuss at coming meetings. We concluded by consolidating the issues, ultimately ending up with 10 sets of issues for later discussion.

At our meetings on October 11, 18, and 26, we then discussed each of the ten sets of issues, which are listed in the next section of this report. Our focus during these meetings was to learn more about each set of issues, to develop preliminary recommendations for addressing them, and to identify additional information we might need in order to refine those recommendations.

At our next three meetings on November 2, 9, and 16, we sought to refine our recommendations. In particular, we discussed the additional information gathered by Mssrs. Bartholomot, Daniel, and Hummel, and in many cases Task Force members offered additional perspectives. At the last of these meetings, we also briefly discussed the potential cost of developing the interim

trail, possible public and private contributions to fund the trail, and timing issues. Finally, at our meetings on November 21 and 30, we discussed the Task Force's recommendations in the context of drafts of this report.

#### **e. Information Reviewed**

The Task Force reviewed a wide variety of information in evaluating the ten sets of issues and developing its recommendations. Following is a list of the written information the group reviewed. Some of these items are enclosed as appendices to this report.

- Map of trail right-of-way from Bethesda to Silver Spring.
- Photographs of trail right-of-way taken by Henri Bartholomot.
- Answers to questions posed by the Task Force, summarizing information gathered by Mssrs. Bartholomot, Daniel, Hummel, and others.
- Georgetown Branch memo by Russ Werner of Bechtel 10/11/94.
- Rail-and-tie letter from E.L. Tennyson to Harry Sanders 10/5/94.
- Interim trail memo, summarizing phone conversations with trail developer Montey Sneed 10/25/94 and 11/7/94.
- Storm water study of adjacent section of trail corridor by hydrogeologist Peter Galusky 6/17/94.
- Road crossing memo by John Hummel 11/2/94.
- Detailed drawings of road crossings provided by John Hummel.
- Photographs of road crossings taken by John Hummel.
- Columbia Country Club trail concept drawings by Greenhorne & O'Mara.
- East West Highway letters between the State Highway Administration and County DOT 3/94.
- Excerpts from Rock Creek trestle inspection report 8/93.
- Map of Silver Spring end of trail right-of-way.
- Interim trail memo by County Attorney to Council 1/26/93.
- Interim trail letters between the Federal Transit Administration and County DOT 8/93 & 9/93.
- Interim use letter from County DOT to T&E Committee 10/4/93.
- Certificate of Interim Trail Use issued by the ICC 12/12/88.

## **2. Recommendations**

### **a. Trail alignment, configuration, surface**

The Task Force began its review of the interim trail issues by looking at the overall trail and discussing what the general design of the trail should be. Specifically, the group discussed the linear extent of the trail, where it might be developed within the width of the right-of-way, what type of trail surface to use, whether to provide one trail or two adjacent trails, and related issues.

## **Linear extent of trail**

Very early in the Task Force's deliberations, we concluded that we would like the trail to go as far as possible between Bethesda and Silver Spring. Our goal was to provide good connections to the completed section of the Capital Crescent Trail in Bethesda, to downtown Silver Spring, and to Rock Creek Park between the two.

Mr. Sanders suggested that this did not mean that the trail needed to stay on the right-of-way for its entire length, but could be placed on existing roads or sidewalks in certain sections. Mr. Bartholomot and others expressed a preference to have the trail stay on the right-of-way as much as possible to provide an integrated, continuous trail. The group agreed to discuss this issue further in the context of specific sections of the right-of-way, as part of subsequent discussions of issues "b" through "g" below. In the end, the majority of the Task Force recommends developing the trail on the right-of-way as much as possible, with selected use of on-road routes as a means of providing local access to the trail as discussed below, but not as a replacement for the trail.

## **Removal of rails and ties**

We then examined whether, in developing the interim trail, to remove the rails and ties and provide a smooth surface in their place, or to leave them in place and provide a smooth surface by adding fill material between or over the rails and ties. This question engendered considerable discussion.

Subject to two qualifications, six members of the Task Force felt that the rails and ties should be removed in developing the interim trail. On the other hand, three Task Force members, Msrs. Sanders and Lafen and Ms. Steckel, expressed a strong preference for leaving the rails and ties in place.

The majority's recommendation is based on a variety of factors that are discussed further below. In particular, the majority believes that removing the rails and ties would produce a wider, safer, more useable trail than leaving them in place -- ten feet wide versus four feet eight inches wide. Also, removing the rails and ties would make it easier to install the trail surface, and the resulting trail would cost about the same as trying to install even a thin-surface trail between the rails.

On the other hand, the minority believes that the State might be able to use the rails for the transitway, which could save the State from having to purchase replacement rail. They also feel that there is symbolic or place-holder value to leaving the rails and ties in place -- that this would tell trail



users the interim trail is just a temporary facility. They also believe that the County could install the interim trail at lower cost by leaving the rails and ties in place. The minority view is more fully elaborated in a separate statement being filed on this issue by Mssrs. Sanders and Lafen and Ms. Steckel.

To elaborate the majority's view, staff at the Rails-to-Trails Conservancy indicated that it is inadvisable to install a trail over rails and ties because the resulting trail surface tends to be unstable, creating a washboard effect over the ties and producing potholes near rails and ties. In addition, leaving the rails and ties in place tends to reduce their salvage or resale value because they deteriorate over time. For these and other reasons, RTC staff said that nobody now builds rail-trails over rails and ties. The County Parks Department has not built any of its trails within the County this way.

Furthermore, if the interim trail were created by adding fill *between* the rails and ties, this would provide a trail surface only four feet eight inches wide, significantly constraining the value of the trail for the type and volume of use anticipated. By comparison, the American Association of State Highway Transportation Officials ("AASHTO") recommends that bicycle paths should be eight to ten feet wide. The majority was concerned that such a trail built "between the rails" might be useful only for pedestrians. Also, there was concern that the exposed rails, which tend to be slippery when wet, would create a safety issue even for pedestrians.

At the same time, if an eight or ten foot wide trail were to be installed by mounding over the rails and ties, this would require more fill material than if the rails and ties were removed, increasing the trail's cost well beyond that of installing a trail without the rails and ties. Also, by removing the rails and ties, the County can obtain salvage or resale value for them, providing funds with which the interim trail can be constructed.

In addition, the prospect of the State using the rails for the transitway seems very unlikely. Under contract to the State Department of Transportation, the engineering firm Bechtel prepared a draft preliminary engineering report of the proposed transitway-trail project in 1990. In preparing that report, the firm examined the rails and ties and concluded that, for budgeting purposes, the State should plan to purchase new rails and ties for the transitway.

This judgment was based on a variety of considerations. The rails are approximately 70 years old. According to rail broker Montey Sneed, this means that they were milled in an era before current cooling processes were used to produce current, higher quality rail, and at a time when each rail line installed its own unique weight of rail.

As a result, the existing rail -- at around "100 pound" weight -- is lighter than the 112-115 pound rail now generally used for light rail lines, and its condition is at best undetermined. To reuse it for the transitway would require that it be thoroughly inspected. Also, if the State should need to purchase replacement sections of rail, either to construct the transitway or to replace current rail when it fails or wears out, Mr. Sneed says that it will be difficult to find rail of this weight. The State is likely to have to pay top dollar for it, and might have to have the replacement rail specially made.

Furthermore, during construction of the transitway, the existing rail would have to be moved from its current location, both so the subgrade for the transitway-trail can be prepared and because the transitway is not supposed to be located where the rails are now located. This raises questions about the extra labor that might be involved in moving and then re-placing the rail. In addition, if the State were to end up using an electric light rail line for the transitway, at least if that line were operated using DC current, rail with a different cross section than the current rail would be needed so that insulated pads could be installed between the rails and ties to prevent loop flows of current.

To put this issue in perspective, the cost of new rail for the transitway is estimated to be approximately \$500,000, compared with an estimated capital cost for the overall transitway-trail project of \$155 to 220 million. It seems unlikely that the State would want to use 70 year old rail with all these other considerations to save less than one-third percent of the project cost.

Finally, those favoring removal of rails and ties felt that there are other ways than leaving the rails and ties in place to convey the message "this is an interim trail, and the State is evaluating ultimately installing a transitway and trail." For example, the County can put signs at key entrances to the interim trail noting that it is an interim trail and that the State is now evaluating the transitway-trail facility. Also, small sections of the rails and ties, or other symbolic indicia of the rail line, can be preserved to the side of the interim trail. Indeed, based on Bechtel's evaluation, at least 50% of the ties should be saved to the side of the trail for later use as crib wall material.

However, as mentioned, the majority added two qualifications to its recommendation to remove the rails and ties. First, Mr. Miller raised a question whether removing the rails and ties might weaken the County's position in ongoing litigation over the right-of-way. In a pair of lawsuits, Chevy Chase Land Company and Columbia Country Club are challenging various aspects of the County's property interest in the section of the right-of-way through the Club. In addition, a group of residents adjacent to the right-of-way are arguing that they have acquired edges of the right-of-way from the former railroad owner by adverse possession.

Specifically, five of the Task Force members who favored removing the rails and ties added a qualification that the Council should seek advice of the County Attorney's office about the potential impact of removing the rails and ties on the County's litigation posture.

The majority hopes that removing the rails and ties would not affect the County's legal posture in these cases. The County acquired the right-of-way under a Certificate of Interim Trail Use that specifically keeps the right-of-way intact for trail and transitway use. Furthermore, the adverse possession claims have to do with the edges of the right-of-way, not the middle of it where track and ties are now located. Also, adverse possession requires competing, open, notorious use of property by another party for periods of time on the order of 15 or 20 years, a claim that cannot be made as to the rail-and-tie section of this corridor by the parties to the litigation. The former owner of this corridor, CSX railroad, ran trains on the rails and ties until the mid-1980s, and now the County is proposing another public use. If anything, installing a public use in the form of an interim trail should help to establish the County's continued interest in the right-of-way and would honor the intent of the Certificate of Interim Trail Use.

In addition, the same five Task Force members added a qualification that the financial consequences to the interim trail of removing the rails and ties should be more fully evaluated. These members of the group were concerned with the uncertainty about the comparative cost of installing an interim trail with and without the rails and ties, and using bluestone or another trail surface, in particular because of storm water and sediment control issues discussed below. These members did not want removal of the rails and ties to drive up the cost of the interim trail so substantially that the County might then be unwilling to proceed with the trail. The majority hopes that removing the rails and ties and installing a bluestone trail will not lead to costly sediment or storm water control measures, as discussed below.

### **Single v. dual trail**

The Task Force briefly considered whether to recommend a single trail or two adjacent trails, in particular if the County leaves the rails and ties in place. In order to reduce the cost of the interim trail, the group's general recommendation is to install a single trail. However, if for whatever reason the County should decide to install the trail by keeping the rails and ties and adding fill between the rails, thus creating a narrow trail, the County should also install an adjacent trail off to the side of the rails where feasible.

## **Trail surface**

The Task Force discussed using wood chips or bluestone to create the interim trail surface. While wood chips would cost slightly less initially to install (\$12,000 versus \$36,000 for a bluestone surface), they would tend to degrade fairly rapidly and would require supplements one to four times per year, depending on the amount of use the trail gets. In addition, wood chips create a surface that is not as suitable for bicycling as bluestone. For these reasons, the Task Force recommends using a bluestone surface for the interim trail, unless this will drive up the cost of storm water management measures (as discussed below) to the point that those measures threaten the trail's viability, in which case a wood chip trail would be better than no trail.

There are at least two options for creating a "bluestone" trail surface if the rails and ties are removed and the ballast beneath them is smoothed. Either "crusher run," which is a mixture of crushed rock from 3/4-inch to fine particles, can be laid on top of the ballast; or stone dust, all fine particles, can be packed onto the top layers of the ballast. In the view of Parks Department staff, the latter would be less expensive, and would provide a better trail surface. Either would provide a sound multi-use trail surface that would easily last five to ten years, as long as there is not channelized storm water running across the trail.

## **Storm water management**

In informal contacts with staff at the County's Department of Environmental Protection, the staff have indicated that if the interim trail surface were "crusher run" material, the staff would treat it as impervious and probably would require the County to take some storm water management measures when installing the trail. The DEP staff say that such measures also would be required for a stone dust top dressing, but would not be required for a wood chip trail. The exact measures that might be required would depend on the terrain along the trail right-of-way, proximity to adjacent streams, and existing storm water management measures along or adjacent to the right-of-way. If the agency responsible for implementing the trail were to request this, DEP would consider granting a waiver or a deferral, especially for an interim trail.

On the other hand, staff at an area construction firm that works with stone dust and crusher run views both materials as permeable. As the firm's staff noted, that is one of the reasons why asphalt is used as a top dressing for a trail -- to create surface that is both more durable and less permeable than a bluestone trail.

In addition, the Coalition for the Capital Crescent Trail is submitting -- as Appendix 6 to this report -- a hydrogeologist's evaluation of storm water runoff in the section of the trail corridor south of Bethesda. That evaluation concludes that even an impermeable trail in that section of the corridor did not require widespread storm water management measures. The report notes that the trail corridor contains ample plant material, which acts as a natural storm water management mechanism, and that there is no evidence of widespread storm water management problems in the corridor. DEP staff disagrees with the report's conclusions.

Based on conversations with national trail developers and the experience of its members with area trails, the Coalition also would note that rail-trails have been developed across the country in similar corridors without requiring widespread storm water management measures, and that these trails have not produced widespread storm water management problems. Examples of such rail-trails in our own area include the completed section of the Capital Crescent Trail inside the District of Columbia, the W&OD trail in Virginia (which has been in place for decades), and the Baltimore and Annapolis trail north of Washington.

The Coalition is concerned that the County DEP is setting a new standard, unique nationwide, for storm water management along county trails that is less environmentally friendly than relying on natural attenuation of storm water within the trail corridors. In response to this comment, DEP staff says that it does not apply or plan to apply different standards to County trails than it applies to other developed-land uses in the County.

In any event, the Task Force is hopeful that the interim trail will not require widespread or costly storm water management measures. However, this is one cost variable we have not been able to pin down. For comparison purposes, *if* the DEP were to require storm water management measures for the interim trail comparable to what was required for the completed section of the trail south of Bethesda, those measures could cost on the order of \$180,000 or more.

Mr. Daniel has noted that there are three locations in the interim trail corridor where localized storm water management is needed -- just east of Wisconsin Avenue in Bethesda, near the Riviera apartment building in Bethesda, and east of the Rock Creek trestle in Silver Spring. These storm water management problems should be addressed. Furthermore, they might be addressed in the same time frame as the trail is installed. However, because the storm water management problems in these three locations pre-date and are not attributable to the interim trail, the cost of correcting the problems should not be counted as an interim trail cost.

## **Sediment control**

Again, in informal contacts with Mr. Daniel, DEP staff have indicated that if an interim trail is installed in the corridor, they are likely to require some sediment control measures. Furthermore, they have indicated that more sediment control is likely to be required if the rails and ties are removed than if they are left in place. Again, the Task Force is hopeful that few sediment control measures will be required. However, this is another cost variable we have not been able to pin down because we do not know the extent of the measures that may be required. If DEP staff were to require silt fence along both sides of the entire interim trail corridor during construction, this could cost on the order of \$40,000.

### **b. Road crossings**

The Task Force discussed three roads or intersections where the interim trail would cross major roads "at-grade" (as opposed to on a bridge or in a tunnel or underpass) -- the intersection of Bethesda and Woodmont Avenues in downtown Bethesda, Connecticut Avenue north of East West Highway, and Jones Mill Road south of its intersection with Jones Bridge Road.

As a starting point for installing the interim trail, the Task Force recommends that trail users be directed to cross these roads or intersections at the nearest traffic signal, as described below. Plans and discreet signs should be used to help steer trail users gently to these crossings. An alternative that the Coalition for the Capital Crescent Trail has seen used successfully on other trails, including the completed section of the Capital Crescent Trail, is to have the trail cross the roads at its current locations, adding stripes across the roads and "trail crossing" signs to alert motorists.

In any event, the intersection-based crossings are not meant to be final configurations. For example, the Georgetown Branch and Bethesda-Chevy Chase Master Plans call for the transitway and trail to be carried over Connecticut Avenue on a bridge, and the Bethesda CBC Sector Plan calls for further improvements in the intersection of Bethesda and Woodmont Avenues for the benefit of pedestrians. Rather, the sense was that this would be the least expensive and quickest way to install the interim trail.

At the same time, the Task Force concluded that it would like the road crossings made as direct and convenient for trail users as possible. Furthermore, the Task Force would like the road crossings reevaluated over time to see if further improvements might be made for the benefit of trail users.

Mr. Bartholomot noted that the trail is likely to generate a substantial amount of use. He expressed concern that the road crossings need to be designed to give trail users a convenient crossing, ideally giving them a portion of the signal cycle at each crossing. He also expressed a preference that the road crossings stay as close to their current alignments as possible, so that trail users would not be required to use circuitous routes to cross the roads. He noted that it takes a pedestrian far longer to travel an extra 20 or 30 feet than it does an automobile. Other Task Force members agreed that these were legitimate concerns.

The Task Force discussed how the specific crossings might be made relatively convenient even while directing trail users to the nearest traffic signal. Our suggestions for accomplishing this goal are summarized in the following paragraphs. The Task Force would call on staff at the Planning Department and Department of Transportation to assist with the detailed design to implement these suggestions. The hope is that these improvements can be made at little or no cost.

At Bethesda and Woodmont Avenues, the Task Force recommends that pedestrians and bicyclists coming to the crossing from the Wisconsin Avenue tunnel be directed either south along Woodmont Avenue or at an angle southwest along Reed Street to the northeast corner of the intersection, where they would travel west across Woodmont Avenue to the island that creates a "free right turn" from Woodmont onto Bethesda Avenue, and from there perpendicularly across Bethesda Avenue to the sidewalk at a point east of where the completed Capital Crescent Trail comes into Bethesda Avenue.

As part of this recommendation, the "stop bar" for eastbound traffic on Bethesda Avenue should be moved west perhaps 20 to 30 feet, and posted "no right turn on red," so that pedestrians can cross from the completed trail and the adjacent parking lot as directly as possible -- perpendicularly across Bethesda Avenue -- to the island. If easily feasible, the sidewalk between the completed trail and the crossing, adjacent to the parking lot on the southwest corner of the intersection, should be widened, preferably without attributing this as a "trail cost." In order to use Reed Street as the approach to the intersection from the east, that street would need to be opened for trail use (part of it near the intersection currently is blocked off), and permission may be needed from the adjacent property owner.

At Connecticut Avenue, the Task Force recommends that trail users coming from the west be directed south to the intersection with Chevy Chase Lake Drive, east across Connecticut Avenue on the north side of that intersection, and then north to the trail heading east.

Our understanding is that pedestrians on each side of Connecticut Avenue can already call for a "walk" signal, so that when the traffic is stopped on Connecticut at Chevy Chase Lake Drive, they can get across the intersection. This is an important component of the crossing. Also, where the trail currently crosses Connecticut Avenue, there is a gap in the island that separates northbound and southbound traffic on Connecticut Avenue. For the present, that gap should be filled.

Finally, at Jones Mill Road, the Task Force recommends that trail users heading east be directed north to the intersection with Jones Bridge, across Jones Bridge to the island that creates a "free right turn" from Jones Mill onto Jones Bridge, east across Jones Mill, and then south to the trail. In addition, provision needs to be made for trail users who may wish to head directly south from the trail on the west side of Jones Mill Road towards Meadowbrook Stables, and north on the east side of the road to Susanna Lane.

This proposal will require some improvements of pedestrian crossings at the Jones Mill/ Jones Bridge intersection. (For example, pedestrian crossing stripes need to be added over Jones Mill Road, and cuts provided in the sidewalks and islands to accommodate that crossing.) This proposal also may require the addition of a trail surface or sidewalk along the east side of Jones Mill Road, at least from the trail to the intersection.

**c. Columbia Country Club**

Speaking for the Country Club, Mr. McGovern has expressed a number of concerns about the interface between the interim trail and the Club's golf course west of Connecticut Avenue and north of East West Highway. He has noted that the Club owns property along both sides of a one-third mile section of the right-of-way and is a party to two lawsuits with the County over this section of the corridor.

Mr. McGovern has indicated that the Club would like measures taken to keep trail users on the right-of-way; to screen trail users from Club users and vice versa, especially at nearby tee and green areas where there is a concern about distracting golfers; to allow Club users to cross the trail at locations where that crossing now occurs; and to address liability should an "errant golf ball" hit a trail user. He also has noted that the Club's Board of Directors wants the County to settle the ongoing litigation between the Club and the County before installing this section of the interim trail. The Club's proposed settlement of that litigation calls for this section of the interim trail (and any ultimate transitway and trail) to be installed in a recess or trench, both sides of which would be lined with screen fence and plants.



In response, the other members of the Task Force expressed a desire to work with the Club in addressing these issues. Specifically, the group wanted to look at a variety of means of screening the trail and golf course from one another and protecting trail users from an errant golf ball. These measures included plants, fences, nets, berms, and trenches. The Task Force also invited the Club to express its preferences and suggestions.

Based on that analysis, several members of the Task Force have expressed concern that installing this section of the interim trail in a trench would be costly and would negatively impact the trail. Installing this section of the trail in a trench with fence and plants on both sides could cost \$300,000 or more, a cost that the Club's settlement envisions the County paying. By comparison, lining both sides of this section of the trail with fence would cost approximately \$50,000, and more selective use of fence and plants would cost less. The Coalition for the Capital Crescent Trail opposes installing the trail in a trench for these reasons.

In the end, the Task Force decided to recommend that the County and the Club seek in good faith to work out an agreement that would address the Club's concerns in a way satisfactory to both parties and that would allow this section of the interim trail to proceed. While these negotiations are underway, the Task Force recommends that the County not install this section of the trail, but proceed with the remainder of the trail.

At the same time, the Task Force hopes that the County and Club will reach an accord that will allow this section of the interim trail to be installed without undue delay. Several Task Force members also hope that this section of the trail can be installed with subtle use of fence, plants, and signs in areas where the trail and golf course open up onto one another. For example, in these areas, black vinyl-clad chain link fence and plants might be used to keep trail users on the trail, to protect trail users from an errant golf ball, and to screen the trail and golf club from one another. Similarly, the Club's current sign at the western end of this section of trail, requesting that trail users "kindly stay on the trail," is just the right tone and nature of measure to use.

**d. Wisconsin Avenue tunnel**

The Task Force considered two principal alternatives for routing the trail under or across Wisconsin Avenue in Bethesda. The group noted that the Bethesda Central Business District Sector Plan calls for both of these options for the completed Capital Crescent Trail: (1) having the completed trail stay on the Georgetown Branch right-of-way and pass under Wisconsin Avenue in the "tunnel" created by the Apex and Air Rights Buildings; and (2) providing an on-street route through Elm Street Park and then along Willow Lane and Bethesda Avenue across Wisconsin Avenue at-grade.

The majority of the Task Force recommends that the Council proceed with both options for the interim trail -- put the trail in the tunnel under Wisconsin Avenue, and also provide access to the on-street route. To improve safety for trail users in the tunnel, the majority recommends that lighting be provided in the tunnel comparable to that used in the Capital Crescent Trail tunnel under MacArthur Boulevard. The County also may wish to install a plexiglass mirror at the mild bend at the mid-point of the tunnel, to improve visibility around the bend. Mr. Lafen and Mr. Sanders voted against the tunnel option, expressing concerns about safety and/or cost.

The majority sees real value in allowing the interim trail to stay on the trail right-of-way through the tunnel under Wisconsin Avenue. This will provide a direct connection between the interim trail and the completed Capital Crescent Trail at Bethesda and Woodmont Avenues, without requiring interim trail users to meander through Bethesda, travel down a long block of Bethesda Avenue, or cross Wisconsin Avenue at-grade. This tunnel, because it provides an existing grade separation from Wisconsin Avenue, is one of the primary benefits of the Georgetown Branch right-of-way for the Capital Crescent Trail.

At the same time, as the Sector Plan indicates, many bicyclists and pedestrians coming into Bethesda on the Capital Crescent Trail from either the Chevy Chase or Silver Spring direction may want access to the central business district. That access is readily available where the trail crosses Bethesda and Woodmont Avenues. A similar access point near the Elm Street Park would be very useful.

In addition to lighting the tunnel, the Task Force considered whether to recommend security cameras or call boxes. The sense of the majority was that these measures are not warranted. The Task Force also considered whether to recommend using fences to keep trail users on the trail. This was seen as an issue that may be raised by the Apex or Air Rights Building owners. However, because such fencing would be for the benefit of the building owners and not the trail, the Task Force recommends that if the building owners request installation of fencing, it be done as unobtrusively as possible (giving trail users ample elbow room and using discrete fence such as black vinyl-clad chain link fence) and that the building owners pay for the fence.

**e. East West Highway bridge**

According to State Highway Administration District Engineer Creston Mills and bridge staff Ms. Mervat, the State plans to replace the East West Highway bridge over the trail right-of-way. Construction is slated to begin in the spring of 1996 and to be completed by the fall of 1997. The State plans to replace

the bridge in two stages, keeping two lanes of the road open while the portion of the bridge carrying the other two lanes is replaced, and then opening those lanes while the other half is replaced. The State plans to replace the two piers that support the existing bridge (and currently straddle the railroad tracks below) with a single pier that would be located where the tracks are now.

Mr. Mills indicated that the State would be happy to work with the County and trail proponents to keep an interim trail open beneath the bridge during construction. He and Ms. Mervat noted that the SHA frequently is required to keep the right-of-way below a bridge open during replacement, and that this is technically feasible. Ms. Mervat also indicated that this would not unduly interfere with the construction process. This might be accomplished, for example, by building a covered walkway over the trail (comparable to walkways used at downtown construction sites) or having the trail run through a large diameter pipe. According to Ms. Mervat, the bridge reconstruction will involve only about 550 feet of the length of the right-of-way (90 feet directly below the bridge, 25 feet of buffer on either side, plus as much as 400 feet for storing equipment and supplies and for contractor access to the site).

Mr. Mills suggested that the State could hold one or more meetings with representatives of the County and trail proponents to explore further how best to keep the trail open. He noted that the State already is aware that the County wants to keep East West Highway in active use during the bridge replacement and that neighbors are interested in minimizing the impact of the construction work on their neighborhoods. He thought all of these various concerns can be addressed.

Ms. Mervat suggested that, to assist the State, the interim trail might be located as close as possible to one of the existing piers, so that excavation work for the replacement pier can proceed without having to move the trail. Also, during actual demolition work on that pier, trail traffic might have to be stopped for brief periods of time.

Based on this input from the State, the Task Force recommends that the interim trail be installed below the East West Highway bridge as near as convenient to one of the existing piers. The Task Force also recommends that the County, in concert with interested trail proponents, pursue dialogue with the State on the best way to keep the trail open below the bridge during the bridge reconstruction. Mr. Daniel has indicated that the County is in the process of discussing how best to keep traffic on East West Highway moving during construction and other bridge-related issues. These discussions, and possibly a public meeting or two, might be appropriate forums to address the interim trail issues.

**f. Rock Creek trestle**

In order to provide a good connection to the interim trail for Silver Spring residents, the Task Force would like, if possible, to keep the trail on the railroad trestle over Rock Creek Park. Mr. Lafen voted against keeping the trail on the trestle, in particular because he believes that the trestle will need to be torn down and replaced in order to construct the transitway-trail project. Mr. Sanders also voted against keeping the trail on the trestle unless the cost of doing so can be brought down substantially.

The majority recognizes that opening the trestle for interim trail use will cost money. However, there are several ways in which the cost can be kept within bounds. Also, as discussed in the cost section of this report, there may be a variety of potential sources of funds to help cover this cost. Furthermore, taking steps necessary to open the trestle for interim trail use would help to preserve the trestle for longer term use, for example in case the County may later want to install a more permanent trail on the trestle. In addition, the majority believes that the value of the trestle to trail users is substantial enough that, if the funds can be found, this investment in the interim trail is warranted.

At the same time, the majority does not want the interim trail held up while funds are located to open the trestle, nor does the Task Force want the trail not to proceed if such funds cannot be located. Therefore, the majority encourages the County to proceed with the remainder of the interim trail now, while seeking to open the trestle as soon as possible thereafter.

As part of its deliberations, the Task Force has reviewed excerpts from a report about the Rock Creek trestle prepared for the County Department of Transportation by the bridge inspection firm of Kennedy, Porter, and Associates. That report concludes that work is needed on the deck, support structure, and abutments in order to prepare the trestle for trail use.

The Task Force hopes that the cost to prepare the trestle for use can be kept within bounds by repairing instead of replacing the damaged support structure members, and by having the trestle decked by the same company that installs the remainder of the interim trail. Repairing structural members can cost substantially less than replacing them, and can easily extend their life by ten to fifteen years. As to the deck work, Mr. Bartholomot has spoken with a rail-to-trail developer who says he can remove rails and ties, blade the ballast to a semi-smooth surface, and repair the trestle deck (including cross ties and stringers) at no cost to the County. The Task Force recommends that the County fully explore these options.

In addition to keeping the trail on the trestle, the Task Force recommends providing access from the interim trail to the Rock Creek trail below the trestle, in particular from Jones Mill Road (for example, via Susanna Lane and the current connecting path from that road to the lower trail).

**g. Silver Spring connections**

The Task Force was especially interested in providing good connections to the interim trail from the Silver Spring area, so that Silver Spring residents can benefit from the interim trail and the completed sections of the Capital Crescent Trail. Mr. Bartholomot and Ms. Steckel walked along the trail corridor looking for opportunities to connect the trail to these communities. Mr. Bartholomot also bicycled the streets adjacent to the corridor, looking for good interconnections. Mr. Sanders and Mr. Lafen provided a number of very helpful recommendations. Mr. Daniel helped to clarify the County ownership of the right-of-way. In addition, County Planning Department staff Dan Walsh provided substantial useful information about designated bike routes in this area, as well as additional tax map information about public routes to the trail right-of-way.

Based on this information, the Task Force recommends that the trail be connected into downtown Silver Spring along each of three routes, if feasible:

(1) from the right-of-way, northwest on Stewart Avenue, turning right at Brookville Road, then turning right on Warren Street/ Third Avenue, then turning left on Grace Church Road, then turning right on Second Avenue, to Colesville Road;

(2) if either of these connections to the right-of-way can be established as discussed below, from the right-of-way southeast on Stewart Avenue turning left onto Kansas Avenue then right on Pennsylvania Avenue -- or southwest on Kansas Avenue turning left on Pennsylvania Avenue -- then turning left on Michigan Avenue, turning right on Talbot Avenue and across the bridge near Rosemary Hills Elementary School to Grace Church Road, turning right on Grace Church, turning right on Second Avenue, to Colesville Road; and

(3) same as the preceding route, except staying straight on Pennsylvania Avenue/ Porter Road to Sundale Drive, turning right on Sundale, left on East West Highway, and left on Colesville Road.

These routes would provide good access for the communities north and south of the right-of-way to the trail, and from the trail into downtown Silver Spring. The first of the three is fully available along public thoroughfares. The second and third would require work on the connections immediately at the right-of-way, as discussed below.

The county-owned section of the Georgetown Branch right-of-way ends about 400 feet east of Stewart Avenue. Stewart Avenue provides on-road access north of the right-of-way to Brookville Road. However, south of the right-of-way, Stewart ends in a cul-de-sac and is separated from Kansas Avenue by a commercial building parking lot and four-foot high brick wall (with a circuitous pedestrian passage to Kansas Avenue). The county used to own a right-of-way at this location on through to Kansas Avenue, but that has been abandoned. So to develop a connection from the trail south along Stewart Avenue "extended" may require permission from the property owner, and some work to improve passage to Kansas Avenue.

Kansas Avenue actually ends at the edge of the Georgetown Branch right-of-way. However, it does so at a point east of where the County's section of the right-of-way ends near Stewart Avenue. Also, about 100 feet west of where Kansas Avenue meets the right-of-way, a rail siding from a commercial building joins the Georgetown Branch rail line. The County's tax maps appear to show that CSX still owns this nub of the right-of-way and the siding.

However, the nub and siding appear little used, if they are currently in use at all, and there is ample shoulder to the side of them that could be used to carry the interim trail from Stewart Avenue along the rail line to Kansas Avenue, if CSX would agree. The beauty is that this would create a very clean, at-grade access to the trail from south of the right-of-way, without having to negotiate the brick wall and parking lot at Stewart.

The Task Force encourages the County to seek the requisite permission from CSX to carry the interim trail to the junction with Kansas Avenue. CSX may raise general questions about liability. In response, the County might ask whether and if so how often the short sections of rail siding in question are used by the railroad and at what speed. Furthermore, if necessary, the trail could be separated from the rail line by fence, and other measures might be taken to address any underlying concerns the railroad might have. Also, we understand that Maryland has a recreational use statute that provides substantial protection against liability for owners of property who allow recreational use of that property without charging a user fee.

If the County were not able to secure that permission, then the Task Force encourages the County to seek permission from the owner of the commercial lot at the south end of Stewart Avenue to connect the trail to Kansas Avenue across that parcel. This might require adding a new entrance to Stewart Avenue extended through the brick wall that now separates it from Kansas Avenue, or at least improving the current entrance.

The following segments of the above three on-road routes are already designated either in the 1978 bikeway master plan or Silver Spring master plan as bike routes: Brookville Road from Talbot Avenue to Warren Street; Warren Street and Third Avenue from Brookville Road to Grace Church Road; Grace Church Road from Third Avenue to Second Avenue; Second Avenue from Grace Church Road (and beyond) to Colesville Road; and East West Highway from Colesville Road to Sundale Road (and beyond). There is a section of Warren Street just southeast of Brookville that is now a narrow path. This could use widening.

#### **h. Neighborhood access, screening**

In general, the Task Force recommends that the County take input from individual neighborhoods on the issues of local access to the interim trail and additional reasonable screening that may be needed between the trail and adjacent property owners. A process for public input on the access and screening issues, such as inviting comments on these issues, would be one way of achieving this goal.

During a tour of the trail corridor, Mr. Bartholomot and Ms. Steckel noted that substantial portions of the trail right-of-way are already screened by trees and shrubs from adjacent property owners. The hope is that similar measures could be used to screen other areas where this might be necessary, and that the trail's neighbors would help with this effort.

#### **Grubb Road/ Terrace Drive just east of Rock Creek**

If the neighbors are interested, there are two possible spots to connect neighborhoods in this area to the trail: (1) at the western end of the parking lot to the apartment complex just southwest of the corner of Terrace and Grubb (the trail right-of-way is only about 10 feet from the corner of the parking lot, at grade); and (2) at the corner of Terrace and Grubb (the trail right-of-way is perhaps 100 feet from and 10 feet below that corner along a county-owned right-of-way that is filled with briars and other brush including some small-diameter trees). Option 1 would be the less costly of the two.

## **Brookville Road just east of Rock Creek**

Again, there are two possible spots to connect neighborhoods in this area to the trail. They are just across the right-of-way from the two above two connections from the south -- (1) across a section of county land along a badly-deteriorated asphalt road from Brookville to just opposite the end of the apartment parking lot (the trail right-of-way is perhaps 50 feet from Brookville Road, at grade); and (2) where the county right-of-way from the corner of Grubb and Terrace connects to Brookville (the trail right-of-way is perhaps 50 feet from and 10 feet below Brookville Road). Option 1 would be the less costly of the two to implement.

### **I. Trail maintenance, safety**

Based in part on discussions with the County Parks Department and Police Department, the Task Force offers the following general recommendations for maintaining the trail and enhancing trail safety.

#### **Maintenance**

Parks Department staff responsible for maintaining the County's current park trail system. Supervisor Gary Harman, recommends that the interim trail be monitored at least once a month, and if possible as frequently as once a week (at least during the peak seasons). The goal of this is to watch for and to take care of downed tree limbs, broken glass, trail washouts caused by storms, and the like. This could be done through a cooperative effort between County staff and trail stewards drawn from such groups as the Coalition for the Capital Crescent Trail and Action Committee for Transit.

In addition, in the fall, the trail would need to be cleared of leaves. According to Mr. Harman, this can be done using a commercial leaf-clearing truck of the sort the County owns, or it might be done using residential equipment. This should be done as needed during the peak leaf season in the fall. If a wood chip trail is installed, it may not be possible to use the leaf blower truck. In addition, if the trail is installed using a wood chip surface, the wood chips will need to be supplemented between one time per year and four times per year, depending in part on the volume of use the trail gets.

#### **Safety**

The Task Force agreed that the interim trail should stay open during hours that other trails in the Washington area are open. If problems should develop with improper use of a particular area of the trail, such as overnight camping or loitering, and that use negatively impacts adjacent neighbors, additional measures such as posting "no loitering" signs, adding lights, increasing



patrols, or if necessary (as a last resort) perhaps modifying the hours of use in that area should be considered. Mr. Bartholomot noted that sections of area trails he has used, including the Rock Creek trail, W&OD trail, and Mt. Vernon trail, are open 24 hours per day (though reportedly one in-town portion of the W&OD trail is closed at night). He also noted that closing a trail during evening or night hours would force bicyclists and runners who otherwise would use the trail during those hours onto city streets.

The Task Force also would like to see the trail patrolled by County Police, ideally on foot or by bicycle. County Police Community Relations Officer Frank Mathers suggests providing a trail that a police car can be driven on if necessary. At the same time, the department is very receptive to the concept of doing patrols of the trail on bicycle. The Silver Spring station already has one or two officers patrolling on bicycle, and the Bethesda station is slated to have four officers doing so in the near future. The Task Force was concerned that if a police car can be driven on the trail, other drivers might be tempted to do so. Also, the group was concerned about the impact on the trail surface and trail users of having cars on the trail.

In addition, the Task Force suggests that information on "rules of the road" be made available to trail users, perhaps on the back of a brochure describing the trail. Officer Mathers thought that it could be helpful to remind trail users of simple rules of the road, such as staying to the right except when passing, being courteous of other trail users, signaling intent to pass, keeping pets on leashes, cleaning up after pets, not littering, and so forth. He also recommended putting litter boxes at key entrances to the trail, to help discourage littering, and putting mileage markers along the trail.

**j. 4(f), CITU Issues**

The Task Force reviewed a number of letters and memoranda prepared by County and Federal staff addressing the 4(f) issue. These specifically included a memorandum from the County Attorney's office to the Council discussing the issue and ways to address it, and correspondence between the County and the Federal Transit Administration on the issue. Ed Daniel noted that the County has asked the State Transit Administration for its views on this issue.

Briefly, the issue is whether installing an interim trail and then seeking to proceed with the proposed transitway-trail project will trigger review under "section 4(f)" (49 USC § 303(c)), which requires the Secretary of Transportation not to use park or recreation land for a transportation project if there is a prudent or feasible alternative. In the event the park or recreation land is used, section 4(f) requires the Secretary to minimize harm to the affected area. The Task Force also considered the County's obligations under the Certificate of Interim Trail Use under which the trail corridor was acquired.

Mr. Sanders expressed concern that section 4(f) may create an additional impediment for the transitway if an interim trail is installed. However, the majority of the Task Force concluded that, at least to some extent, the Council has spoken to the "4(f)" issue by enacting the Interim trail resolution and establishing the Task Force. By directing the Task Force to recommend how an interim trail can be implemented, and by indicating that the Council supports installing an interim trail, the Council has given some indication that it does not view section 4(f) as a "trail stopper." In addition, the majority felt that the County Attorney's suggestions on how to address the section 4(f) concerns were helpful and should provide the Council some comfort that installing an interim trail will not casually create a section 4(f) problem.

### **3. Interim Trail Cost and Funding**

#### **a. Cost to Implement the Trail**

In the footnotes to the following cost analysis, several references are made to "Mr. Sneed's no-cost proposal." Mr. Bartholomot has spoken several times during the Task Force's deliberations with a rail broker named Montey Sneed who helps the Rails-to Trails Conservancy do rail-to-trail conversions (please see the summary of these discussions at Appendix 5).

Mr. Sneed says that he can have a trail developer/ rail salvage company take up the existing rails and ties, remove the rail from the corridor, leave the ties stacked in the corridor for future transitway-trail crib wall use, blade the ballast to smooth it out, and deck the Rock Creek trestle (replacing damaged cross ties and installing new stringers) at no cost to the County. This does not include the cost of adding bluestone, sediment control if any is required, storm water management if any is required, work on the abutments or support structure of the trestle, or painting, sealing, and fencing the trestle.

However, if these other costs can be kept within reasonable bounds, Mr. Sneed's assistance could certainly help facilitate installing the interim trail. Furthermore, it may be possible to have him modify his proposal so that, for example, instead of decking the trestle he might arrange to purchase and install the bluestone for the trail. Mr. Sneed says that, if the County is interested, he can provide a turnkey project to install the trail, with whatever work the County may want done (albeit at some cost except as just described), under a professional services contract.

**Basic trail:**

Remove and salvage rails	\$	0. -	(65,000.)	1
Stack ties, blade ballast to even surface		0. -	?	2
Add 2-inches of bluestone 10' wide		36,000. -	36,000.	3
Provide sediment control		? -	40,000.	4
Provide storm water management, if needed		0. -	180,000.	5
Wisconsin Ave tunnel lights & mirror		<20,000. -	25,000.	6
Elm Street Park ramp		? -	?	
Road crossing plants & fence		? -	?	
Miscellaneous screen plants & fence		5,000. -	10,000.	7
Design & engineering (10-15%)		<u>6,000.</u> -	<u>34,000.</u>	
 SUB-TOTAL		 \$ >67,000. -	 >260,000.	 8

---

<sup>1</sup> The low end of this range reflects Montey Sneed's "no cost" proposal, where the salvage value would be turned into work-in-kind. The "high end" is based on a professional engineer's estimate of the net salvage value.

<sup>2</sup> The low end of this range is based on Mr. Sneed's "no cost" proposal.

<sup>3</sup> Based on a unit cost for bluestone of about \$36 per cubic yard installed. If necessary to keep stormwater management costs in check, the less preferred alternative is to use wood chips, with an initial cost of about \$12,000 to install. (Please see discussion of trail surface in section 2 of this report.)

<sup>4</sup> The upper estimate assumes silt fence on both sides of the entire trail during construction. The hope is that far less would actually be required.

<sup>5</sup> The upper estimate is based on storm water management costs for the completed Capital Crescent Trail south of Bethesda. The hope is that far less storm water management if any would be required for the interim trail.

<sup>6</sup> These estimates are based on the cost of lighting the Capital Crescent Trail tunnel under MacArthur Boulevard, plus \$100 for 12-inch by 18-inch plexiglass mirror. The lower cost may drop because there already is some lighting in part of the Wisconsin Avenue tunnel, beneath the Apex building, although that lighting probably needs to be supplemented.

<sup>7</sup> Based on an estimate that perhaps as much as 5% of one side or the other of the trail corridor may need screen plants or some fence.

<sup>8</sup> One alternative would be to reduce the low end of this range by asking Mr. Sneed to do more of the work listed here instead of decking the trestle.

**Country Club section of trail (subsequent to County-Club negotiations):**

Screen plants & fence	15,000. -	50,000.	<sup>9</sup>
Trench & additional plants, if necessary	<u>0.</u> -	<u>250,000.</u>	<sup>10</sup>
<b>SUB-TOTAL</b>	<b>\$ 15,000. -</b>	<b>300,000.</b>	<sup>11</sup>

**Rock Creek trestle (recommended if feasible):<sup>12</sup>**

Remove parts to be replaced	\$ ?.	50,000.	
Repair abutments	60,000. -	65,000.	
Repair or replace support members	?.	192,000.	
Repair structural steel subdeck	10,000. -	10,000.	
Repair or replace wood subdeck	0. -	48,000.	
Deck the trestle	0. -	40,000.	
Seal & fireproof wood components	<25,000. -	15,000.	
Clean and paint steel section	50,000. -	50,000.	
Add fence	10,000. -	20,000.	<sup>13</sup>
Contingencies (25% on high estimate)	?.	125,000.	
Design & engineering (10-15%)	<u>&gt;15,000.</u> -	<u>90,000.</u>	
<b>SUB-TOTAL</b>	<b>\$&gt;170,000. -</b>	<b>705,000.</b>	

- 
- <sup>9</sup> The low end of the range assumes that plants would be used to screen only the open areas between the trail and golf course, at \$10 per foot times 1500 feet. The high end assumes that fence would be used to separate both sides of the trail from the golf course, at \$13.50 per foot times 3500 feet.
- <sup>10</sup> This is the estimated cost to construct a six-foot deep trench on terrain that is relatively flat from side-to-side, including ground cover on the sloped sides of the trench. Using grass instead of ground cover would reduce this cost. Installing the trench on sloped terrain would increase the cost significantly.
- <sup>11</sup> The Club believes both ends of this range are too low to address its concerns.
- <sup>12</sup> The upper estimates are from the Kennedy, Porter report. The lower ones are based on reducing these costs by repairing instead of replacing support structure members, having the rail salvage company deck the trestle, and using fire-retardant sealant instead of fire walls to fireproof the trestle's wood components. (Please see the trestle discussion in section 2 of this report.)
- <sup>13</sup> Based on rough estimates provided Long Fence for 7-foot high black vinyl clad chain link fence. The lower estimate assumes easy site access, with rails and ties removed.

## **b. Public-Private Contributions**

In developing its recommendations for the interim trail, the Task Force has been very conscious of the need to try to keep the costs of installing the trail to a reasonable minimum. We recognize that County resources are finite, and that the County does not want to invest its funds unwisely.

At the same time, we anticipate that the interim trail will be in use for some significant period of time, perhaps on the order of five years or more. Furthermore, we believe that the trail will be used by a substantial number of County residents and will be a valuable asset to the community. During construction of the now-completed section of the Capital Crescent Trail south of Bethesda, when its surface was comparable to the trail surface we are proposing for the interim trail, it already began to generate a substantial volume of use.

For these reasons, we believe that an investment of public funds to help install the interim trail is warranted. Our hope is that the investment required to install the trail can be kept toward the lower end of the above cost estimates. This might be achieved, for example by seeking the assistance of the rail broker Montey Sneed in installing the trail, by trying to minimize sediment and storm water management requirements, and by repairing instead of replacing structural members of the Rock Creek trestle. Especially if that can be done, in our view, the investment necessary to install the trail will be more than recouped through community use of the trail.

The Task Force hopes that the funds to install the basic interim trail, apart from the Rock Creek trestle, can be provided from the County's bikeway budget, and that the basic trail can be installed in the coming year (subject to the phasing issues discussed in the next section of this report). To fund the trestle (and the basic trail if its costs are on the higher end of the above estimates), the Task Force recommends that the County consider seeking federal ISTEA (Intermodal Surface Transportation Efficiency Act) funds. Such funds already have helped to install the completed section of the Capital Crescent Trail.

In addition, we hope that some of the groups represented on the Task Force, and communities adjacent to the trail right-of-way, may be able to assist with trail installation. For example, these groups and the communities might be approached to help fund or at least to help install neighborhood access to the trail, neighborhood screening, and trail amenities. We hope that these groups and communities also will assist in maintaining the trail. The Coalition for the Capital Crescent Trail already has agreements with both the County Department of Transportation and the County Parks Department addressing some trail maintenance issues.

### c. Phasing

If trail costs can be kept toward the lower end of the above range of cost estimates, the Task Force recommends that the County proceed to install the basic interim trail without delay. Ideally, this could be done by tapping the County bikeway budget, and the basic trail could be installed within the coming year.

If the basic trail's costs end up near the higher end of the range (in particular, if substantial storm water measures are required), then the County may need to consider a variety of options: either seeking ISTEAs funds to cover these costs, installing a wood chip surface instead of a bluestone surface, or installing the trail in stages as funds become available. Of these three options, the first would be preferable, if the ISTEAs funds could be obtained within a year or two, because it would allow the County to open the interim trail as a continuous trail with a bluestone surface that would allow maximum use.

The Task Force recommends that the County and Columbia Country Club seek in good faith to negotiate an agreement for installing the one-third mile section of interim trail that runs through the Club's property. During these negotiations, we recommend that the County hold off installing that section of the trail, but proceed with the remainder of the trail. At the same time, the Task Force encourages both parties to reach agreement without undue delay.

Finally, because the Rock Creek trestle will require some source of substantial public funds, the Task Force recommends that the trestle be treated as a separate cost item, and not delay installation of the basic trail. We hope that ISTEAs funds might be used to refurbish the trestle so it can be used for the interim trail, and that this can be done without delay -- the trestle is a vital link between the trail west of Rock Creek Park and the Silver Spring community.

## 4. Conclusion

The Interim Trail Task Force appreciates the opportunity to assist the Council in establishing an interim trail in the Georgetown Branch right-of-way between Bethesda and Silver Spring. This interim trail promises to be a real asset to the community, and it will help put the County's investment in the right-of-way to good use while the County and State are deciding whether to proceed with the transitway-trail project. An interim trail also is very much in keeping with the Certificate of Interim Trail Use under which the County has acquired the right-of-way. We hope that the recommendations set out in this report will assist the Council in its deliberations, and that the interim trail can be installed without delay.

### Supplemental Views

- Addendum 1 -- Statement by Action Committee for Transit, League of Women Voters, and Silver Spring Chamber of Commerce
- Addendum 2 -- Columbia Country Club Statement
- Addendum 3 -- Capital Crescent Trail Coalition Statement

## **Silver Spring - Bethesda Interim Trail Minority Report**

### **Submitted by**

**Peter M. Lafen, Greater Silver Spring Chamber of Commerce**

**Barbara Steckel, League of Women Voters**

**Harry Sanders, Action Committee for Transit**

### **Our Concerns with Majority Report on the Interim Trail**

As members of the Georgetown Branch Interim Trail Task Force we have submitted this minority report to the County Council because we share a vision of the interim trail that is fundamentally different from the majority report in several crucial aspects. We believe that it is important to convey this vision in a unified manner to the Council, rather than having our concerns noted only as minority viewpoints in various paragraphs within the general narrative of the majority report.

While we agree with the majority report that Silver Spring and Bethesda need to be linked along this right of way by a pedestrian and bicycle corridor, we do not support actions or investments in the interim trail that will physically, financially, or politically compromise the potential for the development of the combined light rail, pedestrian and bicycle corridor. We believe that the majority report presents an interim trail option that is too expensive, allows unnecessary risk of damage to sensitive watersheds, and compromises the ultimate decision on the use of the corridor as a light rail system by requiring expenditures and efforts that will have to be repeated or removed when a final decision about this corridor is made.

This minority report presents our perspective on the challenge placed before the Task Force by the Council. It is not an expression of frustration with the procedures or the work of the Task Force. We have fully participated in the deliberations and meetings along with other members of the task force and we are pleased with the time and effort contributed by the Chairman, the staff, and all of the members. Indeed on many of the issues considered by the Task Force some or all of us have supported the majority position as noted in the report. We simply disagree with several of the key recommendations and feel an obligation to clearly report our position on those issues.



## **Our Vision of the Key Characteristics of the Interim Trail**

We believe that the interim trail should:

- a. Provide a pedestrian and possibly a bicycle right of way linking Bethesda and Silver Spring and the neighborhoods along the route with little or no impact on the ultimate decision on whether to develop the light rail corridor in the right of way.
- b. In terms of construction be low cost and easily reversible.
- c. During construction, cause minimal environmental disturbance or impacts on neighborhoods, and should not be a project that would have to be essentially removed and repeated in five years or so.
- d. Should be clearly structured, identified, and administered to serve primarily transportation not recreational purposes to avoid the creation of federal environmental challenges under the 4f provisions.

## **Objections to the Majority Report**

Our objections to the majority report focus on the following issues:

**Removal of rails and ties** - We believe that the rails and ties should be left in place in order to reduce costs, to reduce impacts on the neighborhoods and the environment, and to act as place holders for the eventual option to develop light rail in this corridor.

The cost of leaving the rails in place with a wood chip corridor surface is significantly less than removing the rails, and is closely linked to the potential environmental impact of disturbing the track bed. We question the "no cost" estimate from Mr. Sneed of Texas considering Montgomery County's bid process and the County's stronger emphasis on reducing environmental impacts. We expect that removal of the rails and ties will be a cost item, in that sediment control costs (\$40,000+) would be required and because of unknown costs for stacking and disposing of ties. Asbestos and creosote has been reported in the ballast, and if their presence proves to be significant, additional environmental mitigation steps would be necessary in the rail and tie removal process. Please note that if these costs are triggered by the construction of the interim trail, they will be a County expense. If however, sediment control costs and other environmental mitigation steps are incurred during light rail development, those would be part of the state and federal project expenses.

In order to keep impacts on adjacent neighborhoods to a minimum, we believe that the County should avoid bringing in heavy construction equipment any more than is necessary. A wood chip interim corridor with rails in place would not require bringing in heavy equipment.

The rails and ties act as a placeholder. They tell Montgomery County residents that this right of way was acquired for a transportation use, and could have a light rail future. They indicate to potential home buyers that a light rail system could be located in the corridor. Removing the rails create factors that will work against light rail development. It could prove difficult to add another use in a corridor after an initial activity has an exclusive presence in the right of way, regardless of the importance of this corridor to the clean air, transportation and economic development needs of the County.

**Wide bluestone surface** - We support the use of a wood chip surface between the rails as an adequate surface for the interim trail that will require neither the use of heavy construction equipment, (as discussed above) nor additional environmental mitigation to put the trail in place. The choice of a bluestone surface would, in our opinion, trigger the need for stormwater management measures (potentially \$180,000) because it is regarded as an impervious surface. Also as noted above, what would be required for storm water management on the interim trail is different from what would be required for a light rail, pedestrian, bike corridor development with a different alignment and cross section. Thus these facilities built at County cost would also have to be removed and replaced at a later date.

**Other high cost options** - In addition to the removal of tracks and ties and placement of bluestone on the right of way, the report discusses the use of the Wisconsin avenue tunnel, the rehabilitation of the Rock Creek trestle, and extensive and expensive mitigation measures at the Columbia Country Club. All of these elements cost too much for an interim project. In addition, these project elements, which would be completed at County expense for the interim trail, would in all likelihood have to be redesigned, removed, and reconstructed, increasing the costs and impacts on neighborhoods when the final option for the corridor is selected.

**Wisconsin Avenue Tunnel** - We believe the use of the tunnel under Wisconsin Avenue at this time places the County and its agencies in a dilemma. The relatively inexpensive approach to lighting and access in our opinion, compromises safety. An adequate investment in fencing, lighting, monitoring, emergency call and response systems would pose a prohibitive cost for an interim trail that may have a different configuration with light rail development.

**Rock Creek Trestle rehabilitation for trail use only** - We believe that it is financially unwise to invest major sums of money in rehabilitation of the Rock Creek trestle for trail use only. We strongly support the ultimate use of the right of way here for rail and pedestrian and bikeway access to Silver Spring, but can only support the trestle rehabilitation at this time if the work is done in a manner that will be acceptable to the State and Federal Departments of Transportation for the long term use of the crossing by rail as well as bicycle and pedestrian corridor users.

#### **Our recommendation to the Council**

We believe it is important to support an option that imposes little or no costs that will need to be undone at subsequent taxpayer expense

We believe it is important to provide environmental protection measures equal to those provided during the construction of the Bethesda to District line segment of trail.

We believe it is important to minimize disturbance to neighborhoods during construction of the interim facility.

Accordingly, our recommended elements for the interim use of the corridor are:

**Leave the tracks and ties in place and provide a wood chip surface between the rails.** We suggest that the additional care required for maintenance of this surface be donated by volunteers from the Action Committee for Transit, neighborhood groups, and other organizations interested in the trail. (With the rails in place, existing private rail vehicles, or "high rail" vehicles loaned from CSXT could be used to support maintenance efforts.)

**Provide only the surface trail option in Bethesda as described in the majority report.** Do not at this time invest in the use of the Wisconsin Avenue tunnel.

**At Columbia Country Club,** either provide fencing and planting to protect areas truly vulnerable to golf balls, or phase in the use of this segment at a later date if objections and legal obstacles prove to be too great to overcome at present.

**At Jones Mill** provide southbound a path for access to Rock Creek, and at Jones Mill and East West Highway a surface crossing to link to the off-road pedestrian way located on the north side of East West highway into the Silver Spring CBD. Northbound, as recommended in the majority report to Susanna Lane.

**Do not invest in the Rock Creek trestle** unless the facility will be rehabilitated or replaced in a manner adequate for rail service as well as bicycle and pedestrian use. East of the Rock Creek trestle provide a trail connection to Rock Creek via Freyman Drive.

**The Corridor should be under County Department of Transportation** administration, and referred to as an Interim Pedestrian and Bicycle corridor to make clear its transportation purpose and to avoid eventual 4F invocation.

**On road bicycle connections** should be developed to facilitate additional access to Bethesda and Silver Spring in the interim, and to provide uninterrupted access during light rail construction.

## **Summary**

We recognize that our recommendations for the interim trail do not define the ultimate design to accommodate all potential users of the corridor. We would like to see a better trail for more users constructed soon. However we feel that our recommendation provides a financially restrained pedestrian and bicycle linkage between Bethesda and Silver Spring that does not compromise the ability of the County to make a fair judgement on the merits of the project for which the corridor was purchased. Additionally this option will provide a gentle introduction to the

development and use of the corridor to its neighbors, without the intrusion of heavy construction equipment and activity that would have to be repeated several years hence. The development of the light rail corridor is a cornerstone for transportation in the Montgomery County in the next century, and for the revitalization of Silver Spring. We believe that proceeding with the interim trail as recommended in this minority report will provide important new transportation opportunities to the citizens of the County, while preserving the far greater opportunities that are within our grasp in the near future.

## **Minority Report**

### **Cost Estimate of Wood Chip Corridor Within Rails**

	<b>- Low -</b>	<b>-High -</b>
Wood Chips	12,000	12,000
Sediment Control	0	0
Stormwater Management	0	10,000
Road Crossings, Plants and Fencing*	15,000	15,000
Design and Engineering	2,700	3,700
Total	29,700	40,700

\*Assumed to require equal expenditure as majority report

**ADDENDUM OF COLUMBIA COUNTRY CLUB  
TO RECOMMENDATIONS FOR DEVELOPING AN INTERIM  
TRAIL ALONG THE GEORGETOWN BRANCH RIGHT-OF-WAY  
BETWEEN BETHESDA AND SILVER SPRING**

Columbia Country Club (the "Club") has supported, and continues to support, the development of an Interim Trail for hiker/biker use through the property owned by the Club, as long as provisions are made to protect the safety of the public and Club members and there is little or no regular interference with the Club's continued use of its own property. The Club believes that the Task Force recommendation that the trail not go through the Club at this time is a good one, and the Club is hopeful that it can resolve the remaining issues with the County that would permit an interim trail as well as ultimately a permanent trail through the Club. Because these issues are complex, and time constraints for the Task Force prevented full discussion of all of the issues, the Club wishes to submit with the Task Force Final Report the following Addendum, which sets out the issues and describes how they might be resolved.

**A. The Litigation**

While there is mention of the pending litigation in the Interim Task Force Report, the analysis focuses only on the impact of the potential removal of the rails and ties as well as some limited discussion of adverse possession issues. The Club believes that any analysis of the issues relating to commencement of the Club's section of the Interim Trail in the immediate future requires a more complete understanding of the litigation and the potential outcomes in the pending case.

There are two separate lawsuits which remain pending and unresolved in the courts. In the Montgomery County Circuit Court a case is pending in which both the Chevy Chase Land Company (the "Land Company" and the Club are contesting whether Montgomery County obtained any property rights when it attempted to acquire the right of way from CSX. The Land Company contends that the entire right of way was abandoned by the railroad and thus has reverted to ownership by the Land Company. If the Land Company prevails, it would be the owner of the full right-of-way. Likewise, the Club has asserted that it has legally obtained permanent, irrevocable crossing rights over the right-of-way at four locations, and that it has obtained by adverse possession lands within the right-of-way up to the edge of the tracks. This litigation has been "stayed" (or placed on hold) pending the outcome of litigation pending in the United States Court of Federal Claims. Any party to this litigation may petition the court to activate the case at any time.

The federal litigation is focused on whether either the Land Company, the Club or both have rights to compensation for the taking of property owned by them as a result

of Montgomery County's intended use of the right-of-way for a hiker/biker trail or for transit uses. This case, then, likely will also resolve the property ownership claims which were originally the subject of the Montgomery County litigation. The case has been argued on motions for summary judgment filed by each of the parties, and the judge now has the case under advisement. There is no way to determine when an opinion will be issued.

The issues in the federal litigation are significant, and there is a high probability that one or more of the non-prevailing parties will appeal any decision by the federal court. This means, from a practical perspective, that the underlying property issues will not be resolved for an unknown but likely to be significant amount of time. A recent case decided by the Maryland Court of Special Appeals involving the same right-of-way strengthened the Club's position on the adverse possession issues, and if the federal court follows that precedent it is likely that the Club will prevail with regard to ownership of land within the right-of-way.

The Club has made unsuccessful efforts to settle the litigation with the County. In the event that the Club voluntarily lets property for which it has claims be used by the County, it significantly compromises its legal position with regard to that property. The Club would also note that there is a clear possibility that the County does not own substantial amounts of the property in the right-of-way, and that it would have to re-purchase the property through the condemnation process. With the posture of the present litigation, it makes little sense to install this section of the trail, which might have to at some time be completely dismantled.

The Club remains amenable to settlement with the County. If that settlement can be reached on grounds acceptable to the Club, it would view with favor the implementation of the Interim Trail. If settlement cannot be reached, however, the Club is of the view that no construction of even an Interim Trail through the Club should take place until the property ownership issues are fully and finally resolved.

#### **B. Safety Issues**

The Greenhorne & O'Mara design of the proposed trail through the Club, which appears as an Appendix to the Task Force Report, was developed with safety of public users of the trail and Club members as the primary consideration. While it has been referred to in Task Force discussions as a "trench," the drawing was primarily done to create a significant grade separation between the trail and the Club which would be attractive to all but would minimize disruptive interactions between the public and the Club and provide safety of both. The Club is aware of other mechanisms to accomplish these goals, including a coiled frame over the trail with continuous netting to prevent golf balls from injuring trail users. This option, however, is likely to interfere with the Club's crossing rights at the existing four locations where Club members and maintenance equipment presently cross the right-of-way.

Projections completed some five or more years ago indicated that approximately 1.2 million people would annually use a hiker/biker trail if built. With what appears to

be initial heavy use of the Crescent Trail now in existence, the 1.2 million person estimate may be understated. There presently exists four separate places where golfers cross the right-of-way while using the golf course. Crossings are done both by the use of powered carts and by walkers. In the past year, more than 52,000 rounds of golf were played on the course. Maintenance equipment crosses or uses the right-of-way on a relatively frequent basis. Throughout the length of the right-of-way, the public users and golf members and guests will be in dangerously close proximity of each other. All of these factors require that safety considerations take on a major importance in the development of this trail.

The Club and its architects felt that a significant grade separation, with trees and plantings on either side at the golf course level and plantings along side the trail itself would make an attractive trail as well as enhance the attractiveness of the course and public safety. This plan would also permit golfers and maintenance equipment to go over the trail rather than directly across the trail. While it would not guarantee that public users would not be hit by golf balls, it would substantially minimize that risk. In addition, this plan leaves the "open air" aspect of the trail while minimizing the interaction of the public and the golfers.

Several problem areas need to be resolved. First, approximately half way through the Club, the proposed trail would come in very close proximity to the fourteenth green of the course. Golfers who are playing the fourteenth and seventeenth greens would be taking their final approach shot to either hole from a "blind lie" to an exposed location immediately adjacent to the trail. The potential for injury at this open location alone is significant. Golfers at the Club generally are aware of the hazards of the golf course, especially at these locations. Public users of a trail would not necessarily have or maintain that same awareness.

Secondly, the at-grade crossing of a significant number of powered golf carts and motorized equipment at four locations creates significant hazards for both the Club members and the users of the trail.

Over the years the golf course has been victimized by sporadic incidents of vandalism, including a recent incident where unknown persons did substantial fire damage to one of the greens which is close to the existing right-of-way. With the trail proposed to be open on a twenty-four hour per day basis and used by 1.2 million persons, the Club has legitimate concerns that such incidents would not only continue but most likely accelerate in frequency unless there was a physical separation of the course and the trail.

The Club believes that foreseeable safety issues can be resolved, but that there must be a comprehensive review of these issues if the trail is to proceed through the Club.

### C. Liability

There was a passing reference in Task Force discussions to liability issues in the event a trail user was hit by a golf ball or there were injuries to trail users or golfers as



a result of a collision between a hiker/biker and a golf cart or maintenance vehicle. A County non-voting member took the position that the County would not be liable for such accidents and that the County would not get involved with any litigation which resulted. While this may or may not be the "official" position of the County on this issue, or a correct statement of the law, it is an important consideration for both the County and the Club.

If trail users are injured while using the trail, assuming that such incidents are not intentional, the Club should not have to absorb the cost of litigation or claims when users are injured on what the County claims is its property. While appropriate signs can warn trail users of the dangers as they pass through the golf course, and can also indicate that trail users "assume the risk" of injuries, the County should have an agreement with the Club that it will indemnify the Club for costs and legal expenses arising out of unintentional accidents occurring on the trail. Absent such an agreement, the Club would have to set aside substantial amounts of funds for the defense of lawsuits or claims by the public as a result of injuries occurring on what is claimed to be County property. The Club believes that this is an important issue which must be resolved before extending the trail through the Club.

#### **D. Other Issues**

The present proposal to the County Council is to construct a bluestone trail to the boundary of the Club's property and to end it at that point, restarting the trail on the opposite side of Connecticut Avenue. In light of such proposal, one additional concern of the Club needs to be raised. The Club is concerned that this configuration will permit, and possibly encourage, public users to continue using the unimproved right-of-way through the Club when there has been no resolution of the safety and liability issues. The Club notes that appropriate steps will need to be taken at such time as the Interim Trail is placed in use to restrict public use of the right-of-way through the Club until a resolution of the issues, especially those relating to liability and indemnification.

Supplemental Statement of  
the Coalition for the Capital Crescent Trail

The Coalition sincerely appreciates the Task Force's good efforts to produce a positive interim trail report. We support many of the report's recommendations, in particular:

- to remove the rails and ties, so that the resulting trail will be wide enough to accommodate safely and effectively the nature and amount of use we anticipate for this trail;
- to install a bluestone trail surface if the cost of storm water management can be kept in check, again so that the resulting trail will be useful to a wide audience;
- to carry the trail through the tunnel under Wisconsin Avenue in Bethesda, a key grade-separation that is one of our highest priorities for the trail;
- to open the Rock Creek trestle for use by the trail, if the cost of doing so can be kept within acceptable bounds; and
- to connect the trail to the completed section of the Capital Crescent Trail south of Bethesda and to the heart of Silver Spring on the east end.

We believe that a serviceable trail can be installed at little cost to the County. At the same time, we also believe that some County investment in the trail is warranted because of the anticipated use the trail will get and the substantial length of time it is likely to be in service before final decisions are made on the transitway-trail project.

Turning to the minority statement filed by Action Committee for Transit, the League of Women Voters, and the Silver Spring Chamber of Commerce, we must differ with the characterization that the majority report recommends an expensive trail. The report clearly lays out a highly serviceable interim trail option that would not be costly, and that would not cost more than the minority's recommendation -- take out the tracks and ties, and use their salvage value to help fund a layer of bluestone if feasible or wood chips if not. While the report expresses a desire for several trail components that could require expenditure of County funds if the Council agrees, these items are options. The majority of the Task Force, including our Coalition, would like the best interim trail possible, but we recognize that there are fiscal constraints on what can be done. What is feasible is a judgment for the Council to make. But the report clearly presents a low cost option for the trail.

We also disagree with the minority's characterization that the report recommends a trail that will have to be "undone" to install a transitway-trail or a more permanent trail. On the contrary, the majority recommends removing rails and ties, a step on the way toward that ultimate use. And the majority recommends adding a thin bluestone or wood chip surface that hardly will impede the later use. Indeed, the minority recommendation -- by suggesting that wood chips be placed over the ties -- is more likely to impede work on the ultimate project by impeding removal of the rails and ties.

While removal of rails and ties may require more sediment control measures than leaving them in place, removing the rails and ties would make it easier and less expensive to install the interim trail, and would produce a far more useful and safer trail. Not having heard the minority's comment about asbestos and creosote before last week, we are perplexed what the basis for that is. It was not a factor in installing the completed sections of the Capital Crescent Trail. As to the reference to watersheds in the minority statement, we would refer to the points made in the majority report on this issue. We believe that the majority report addresses this issue in a responsible way.

We must respond to the minority's comment that the Wisconsin Avenue tunnel cannot safely be opened without excessive expenditure of funds. The majority of the Task Force clearly disagrees with this and believes that by adding lights to the tunnel, that section of the trail can be opened safely and at reasonable cost. Furthermore, we are confident that private funds will be available to help fund this piece of the trail.

We also are submitting this statement to express some additional views with respect to the section of trail through the Columbia Country Club. In our view, the Task Force has gone to great lengths to accommodate the Club by suggesting that the County and Club seek to negotiate an agreement over this section of the trail, and meanwhile this section not be installed. We have not dissented from that recommendation. We too would prefer the County and the Club to reach an accord on installing the section of interim trail through the Club. Also, we take comfort that Task Force has recommended proceeding with the remainder of the trail even while the negotiations over this section are underway.

However, we are anxious that the effort to reach such an accord not drag on very long. In this regard, we urge the Club and the County to focus on reaching an agreement that will allow this section of the interim trail to be installed apart from resolution of the underlying litigation and the various non-interim trail issues it raises. We also would oppose closing the section of right-of-way through the Club property while the County and Club are seeking to reach an accord on that section of the trail. If the County and Club want to post signs during the negotiations saying that "the interim trail ends here" at both ends of the Club property, that would be appropriate. But to foreclose public use would be a terrible misstep, both legally and as a policy matter, and would be a disservice to the community.

Furthermore, we are anxious that the resulting accord not increase the cost of this section of the trail so much that it cannot be installed. We hope this can be achieved by judicious use of plants or fences in selected areas where the trail lies openly adjacent to golf course tees, greens, or fairways that may require such screening. We disagree with the Club's proposal to install this section of the trail in a trench, both because of the cost and the negative effects that would have on the trail.

Ultimately, we believe that the County and its citizenry have rights here, too. The County has spent a substantial sum of money acquiring the trail right-of-way. By purchasing the right-of-way under section 8(d) of the National Trails System Act, the County has kept it intact for trail use and other compatible uses under federal law. As a result, the corridor is in public ownership and should be made available without undue delay for public benefit.

In closing, we look forward to working with the County on proceeding to install the interim trail. The community will benefit by this important step forward. We plan to help with this project in whatever ways we can.