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May 19 2021

Erica Rigby
District Engineer, SHA
ERigby@mdot.maryland.gov

Via email

RE: Takoma Junction development – SHA Tracking #19-AP-MO-008-xx) Response Letter of May 17, 2021

Dear Ms. Rigby,

We are in receipt of your recent letter, dated May 17, 2021, regarding our Takoma Junction project. While we have been patient and continued to work with SHA in good faith over the years, the manner in which SHA has handled, and continues to handle, this matter is nothing short of alarming. Not only has the schedule for, and manner of, SHA's review been unprecedented, but the seemingly willful ignorance by SHA of basic characteristics of the plan and our direct responses to comments received has become very concerning. This trend continues in your recent letter, as explained below. It is becoming increasingly obvious that this project is being held to standards and a review framework that do not fall in line with all other urban developments in the County.

Our site and preliminary plan applications were submitted and accepted through the customary County intake process on February 14, 2019. These plans depicted the proposed lay-by lane on Carroll Avenue – the same size and width, but 30 feet closer to the intersection of Carroll Avenue and Ethan Allen as is before you now--and *explicitly included* a request for an on-site loading waiver in favor of using the lay-by lane. On March 18, 2019, the day before the scheduled Development Review Committee meeting for the project, we were informed that SHA would not review the plans or the developer's third-party Traffic Impact Study (TIS) for the project until it had completed a "Takoma Junction Visioning Study," which it expected to complete in the fall of 2019. This announcement essentially brought all project review by other County agencies to a halt for over a year, and the referenced study itself did not issue for almost two years. In the end, SHA took almost 20 months to issue its first round of comments on the TIS for the project, which review is typically conducted in under three months.

Despite repeated requests, further SHA comments on the plans and proposed lay-by did not issue, as they typically would have during a plan review cycle. It was only after SHA's approval of the TIS on March 8, 2021 that SHA informed both NDC and the County that it was just then initiating its review of the lay-by, which review would take an additional 30 days, despite the fact that the plans depicting the

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lay-by had been before SHA for over two years as part of the ePlans development review. We note that this approach stands in stark contrast to the treatment of the Knowles Avenue project (Site Plan No. 820190080), whose plans including a lay-by along an SHA right-of-way were submitted in February 11, 2019, received initial comments from SHA on the lay-by on April 17, 2019, and a final recommendation from SHA on June 11, 2019, as well as 7359 Wisconsin Avenue (Site Plan No. 820170040), approved on March 22, 2018 with the express approval of SHA of the lay-by lane as part of the typical project review.

When the initial comments on the proposed lay-by did issue, they raised a number of concerns, which were immediately addressed by NDC and its consultants, both in an April 23, 2021 virtual meeting and April 23, 2021 point-by-point response letter. In the letter we just received in response to that submission, among other things, Mr. Woodroffe states, "At the meeting on April 23, it was mentioned that smaller trucks could be used in lieu of the WB-62 and WB-67s to make deliveries to the co-op; if this is the case, then the existing parking lot should be able to accommodate the smaller trucks, removing the need for the lay-by." As noted above, we have made explicitly clear since the beginning that we are requesting a waiver from the on-site loading requirement in order to accommodate loading for our planned development via the lay-by. This request is separate and distinct from any needs of the co-op and Mr. Woodroffe's comment fails to acknowledge or understand that in any respect. Deliveries to the Co-op will happen in all lengths of service vehicles, not just the small or exceedingly larger one, and these vehicles cannot be accommodated within our planned development's parking garage or the Co-op's small parking lot to the east of its building on Ethan Allen. Our request for the waiver and lay-by therefore remains and cannot be resolved by Mr. Woodroffe's assertion, an assertion untethered to any facts that have been before SHA for three years.

While I have attached the requested point-by-point response to the remainder of the comments in today's letter, I would also add the following:

1) In relation to service vehicles interacting with pedestrian and bicycle traffic; this is a naturally occurring event that happens in all urban areas, regardless of the size of the vehicle.

2) Our response to the initial comments included a potential shorter layby, which Mr. Woodroffe indicated would be reviewed. However, no comments were provided for the shorter layby in your letter, nor was there any response that would indicate that SHA reviewed it as was promised.

NDC understands that this project has generated a significant amount of interest in the community and that certain well-connected politicians have become involved. However, none of this should impact SHA's review of the project or lead to a disparate treatment of it. Given all the time lost in SHA review, as noted above, we request a review and resolution of the outstanding issues and our responses contained herein and in the attached by the end of this week, Friday, May 21.

In summary, we asking you to take the following actions:

1. Provide a letter of support to the Takoma Junction project Site Plan, MDOT SHA Tracking #19-AP-MO-008 with the 140-foot by 12-foot lay-by lane;

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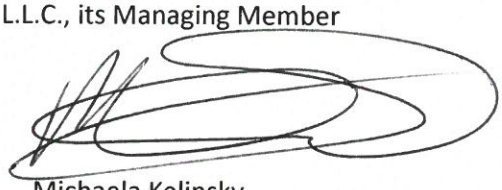
2. Provide a letter of support to the Takoma Junction project Site Plan, MDOT SHA Tracking #19-AP-MO-008, modified to include an 85-foot by 12-foot lay-by lane.

We are prepared to assist you and answer any questions you may have at any time.

Sincerely,

NDC TAKOMA JUNCTION, LLC
By: The Neighborhood Development Company,
L.L.C., its Managing Member



Michaela Kelinsky
Vice President

ER/ts

cc: Gregory Slater, SHA
Elza Hisel-McCoy, Montgomery Planning
Glen Cook, Traffic Group
Paul Dorr, Traffic Group
Jingjing Liu, NDC
Katie Mencarini, Montgomery Planning
Alvin Powell, SHA – District Traffic
Kwesi Woodroffe, SHA – Access Management
Kate Stewart, City of Takoma Park
Suzanne Ludlow, City of Takoma Park
Kacy Kostiuk, City of Takoma Park

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May 18, 2021

Ms. Erica Rigby
Acting District Engineer
MDOT SHA, District 3
9300 Kenilworth Avenue
Greenbelt, MD 20770

Attn: Mr. Kwesi Woodroffe

RE: Takoma Junction
MDOT SHA Tracking # 19-AP-MO-008-xx
Our Job No.: 2016-0409

Dear Ms. Rigby:

This letter responds to comments received from the Maryland Department of Transportation State Highway Administration (MDOT SHA) in a letter dated May 17, 2021, in reference to the review of the Concept Plan for the Takoma Junction development.

Engineering Systems Team (EST) Comments (By: Urooj Zafar):

Comment No. 1 – EST has reviewed the supplementary design data and sight distance presentation and offer the following. The sight distance computations do not adequately demonstrate compliance with AASHTO standards. We do not find the previous comment responses acceptable as the same sight limitations and restrictions remain, proximity to the intersection, cross walk and traffic light, sight distance issue along existing curve, and conflicts with bicycle, pedestrian, and vehicular moments.

Response No. 1 –

1. **As stated in our presentation and within our written response letters both dated April 23, 2021, we acknowledged that the access point does not meet "Intersection Sight Distance" AASHTO guidelines. We do meet safe stopping sight distance which MDSHA has excepted on other projects in the past.**

2. **We pointed out, however, that existing buildings (the Fire House and the Residential Home on the Northeast corner) are the cause of the restricted "Intersection Sight Distance."**

3. **Our Information shows that a vehicle travelling EB along Carroll Avenue can in fact see past the Firehouse for 256 ft to a vehicle in the rightmost lane making the right turn out of the parking lot.**

4. **This existing "Stopping Sight Distance" is no different than that of EB vehicles as they drive the same Eastbound approach to stopped vehicles queued back from the traffic signal in the same area.**

5. **Our information shows that SB Philadelphia left turning vehicles have 255 ft linear before reaching the same exiting right turn vehicle. Additional reaction time for left turning vehicles is present when considering left turning vehicle will not be travelling as fast making the left turn maneuver.**

6. **Vehicles approaching the access right turning vehicle also have the leftmost lane to maneuver into to avoid conflicts.**

7. **Our information submitted and presented both show that the project meets "Safe Stopping Sight Distance" to the "Right Turning Exiting Vehicle." <u>This urban area project is no different than other projects whereby all types of vehicles interact with pedestrian, crosswalks, and bike lanes.</u> Having acceptable Stopping Sight Distance is sufficient to eliminate concerns with Intersection Sight Distance.**

8. **In Urban Areas, this "Intersection Sight Distance Obstructions" is a typical condition. This <u>is commonly waived due to urban development constraints</u> and should be in this case.**

<u>District 3 Traffic Comments (By: Alvin Powell)</u>:

<u>Comment No. 1</u> – Thank you for the clarification that forklifts will not be allowed to use the sidewalk for loading and unloading of trucks and that delivery is expected to by hand carts only which will limit pedestrian conflicts. Appropriate restrictions will be conditioned as part of the permit. The related information is noted.

Response No. 1 – OK as noted with conditional forklift restrictions.

<u>Comment No. 2</u> – Response is noted. Please note that the Auto-Turn truck turning template submitted and reviewed, and the supplementary information presented at the recent meeting shows that delivery trucks, in particular WB-62 and WB-67, will overhang into the bicycle lane. The overhang poses an increased risk for cyclists that will need to be addressed.

Response No. 2 –

1. **As stated in both our presentation and our written responses: Urban Areas have deliveries from larger delivery trucks. It is not uncommon for delivery trucks to make multiple maneuvers to properly get into the proposed layby lane without blocking the bike lane. As shown on the diagrams, trucks in this instance can avoid overhanging the bike lane with some maneuvering.**

2. **Our information also presented a smaller layby lane whereby larger semi-trucks would be restricted. Your comments / review did not address the smaller layby lane that eliminated this the conflict with the bicycle lane.**

Comment No. 3 – Response noted.

Response No. 3 – So noted.

Comment No. 4 – With regards to the revised sight distance analysis for the site access, we note the following.

- The sight distance measurements were not conducted in accordance with professional standards of practice as specified by the American Association of State and Highway Transportation Officials (AASHTO). Please refer to the AASHTO Green Book for the appropriate methodology. The Institute of Transportation Engineers Manual of Transportation Engineering Studies and the Traffic Engineering Handbook provide additional guidance. Sight distance identified as dimension b below (for intersection sight distance), is measured as part of an intersection sight triangle with a decision point located 14.5 feet from the edge of the major road traveled way. Figure 9-17 from the AASHTO Green Book copied below illustrates.

    - Sightlines are measured along a straight line
    - Sightlines do not curve with the vehicle path
    - Sightlines do not curve around objects

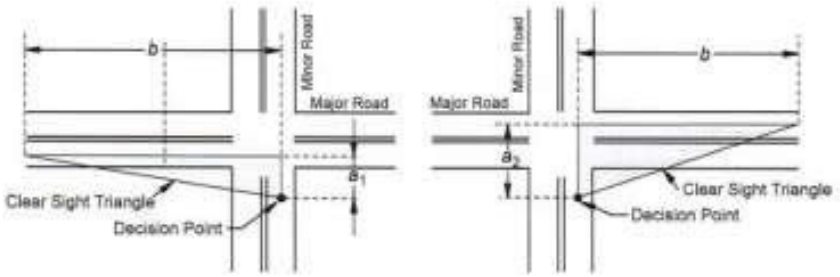

Figure 9-17. Departure Sight Triangles for Intersections

Related object heights are as indicated in the Manual. Please revise accordingly.

- Where sight distance is identified as being inadequate, additional measures may be necessary to improve available sight distance. The available options will vary based on location and traffic conditions. In this instance, we note potential obstructions along the intersection sightlines at the driveway. Please review the sightlines and address appropriately.

- The profile should be taken along the measured sightline. The sightline should be taken along the measured sightline and clearly identify any obstructions including shrubs, trees and structures or conflicting roadway elements.

Response No. 4 –

1. **The "Intersection Sight Distance" information that is included above is in fact "Intersection Sight Distance" Evaluation information. As mentioned above, in earlier response letters and in our presentation, we agree and acknowledge that we do not meet "Intersection Sight Distance" measurements because of existing buildings along the roadway.**

2. **However, please see the attached 2018 AASHTO Exhibit 9.5 Intersection Sight Distance – 9.5.1 General Considerations, last paragraph highlighted:**

   At uncontrolled or minor approach stop controlled intersections, sight distance along the intersecting roadway should be sufficient to permit the driver on the minor road to anticipate and avoid potential collisions. <u>If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then the drivers have sufficient sight distance to anticipate and avoid collisions.</u> However, in some cases, a major-road vehicle may need to slow or stop to accommodate the maneuver by a minor-road vehicle. To enhance traffic operations, intersection sight distances that exceed stopping sight distances are <u>desirable</u> along the major road.

3. **The buildings that restrict "Intersection Sight Distances" cannot be moved or relocated.**

4. **The sight distance restrictions that are present are not restricted due to an over vertical road issue. They are building related. A profile diagram would not show over vertical sight line issues.**

<u>Access Management Division (AMD) Comments (By: Kwesi Woodroffe)</u>:

<u>Comment No. 1</u> – At the meeting on April 23, it was mentioned that smaller trucks could be used in lieu of the WB-62s and WB-67s to make deliveries to the co-op; if this is the case, then the existing parking lot should be able to accommodate the smaller trucks, removing any need for a lay-by.

Response No. 1 – The proposed layby lane is needed to service both the new development project, as well as the Co-op. The previous mention of smaller trucks was referring to trucks smaller than 18-wheelers, but still larger than those that can be accommodated by the underground garage in the new development or the Co-op parking lot east of the Co-op building adjacent to Sycamore. The layby lane is needed to deliver goods and provide trash removal for the new NDC project and the Co-op.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Paul R. Dorr
Director of Engineering Design

PRD:amr/smb

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desired direction of travel, free from the potential for conflicts to appear suddenly, and consistent in design with the portions of the roadway just traveled.

The combination of vertical and horizontal curvature should allow adequate sight distance at an intersection. As discussed in Section 3.5, "Combinations of Horizontal and Vertical Alignment," a sharp horizontal curve following a crest vertical curve is undesirable, particularly on intersection approaches.

9.5 INTERSECTION SIGHT DISTANCE

9.5.1 General Considerations

Each intersection has the potential for several different types of vehicular conflicts. The possibility of these conflicts actually occurring can be greatly reduced through the provision of proper sight distances and appropriate traffic controls. The avoidance of conflicts and the efficiency of traffic operations still depend on the judgment, capabilities, and response of each individual driver.

Stopping sight distance is provided continuously along each roadway so that drivers have a view of the roadway ahead that is sufficient to allow drivers to stop. The provision of stopping sight distance at all locations along each roadway, including intersection approaches, is fundamental to intersection operation.

Vehicles are assigned the right-of-way at intersections by traffic-control devices or, where no traffic-control devices are present, by the rules of the road. A basic rule of the road, at an intersection where no traffic-control devices are present, requires the vehicle on the left to yield to the vehicle on the right if they arrive at approximately the same time. Sight distance is provided at intersections to allow drivers to perceive the presence of potentially conflicting vehicles. This should occur in sufficient time for a motorist to stop or adjust their speed, as appropriate, to avoid colliding in the intersection. The methods for determining the sight distances needed by drivers approaching intersections are based on the same principles as stopping sight distance, but incorporate modified assumptions based on observed driver behavior at intersections.

The driver of a vehicle approaching an intersection should have an unobstructed view of the entire intersection, including any traffic-control devices. At uncontrolled or minor approach stop controlled intersections, sight distance along the intersecting roadway should be sufficient to permit the driver on the minor road to anticipate and avoid potential collisions. If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. However, in some cases, a major-road vehicle may need to slow or stop to accommodate the maneuver by a minor-road vehicle. To enhance traffic operations, intersection sight distances that exceed stopping sight distances are desirable along the major road. Specific