

Coquelin Run Citizens Association

Coquelin Run Citizens Association
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Via Fed-Ex and Email

Purple Line FEIS Comment
Maryland Transit Administration
Transit Development and Delivery
100 S. Charles Street
Tower Two, Suite 700
Baltimore, MD 21201

October 17, 2013

Re: Comments on the Purple Line Final Environment Impact Statement (FEIS)

I. Introduction

The Coquelin Run Citizens Association (CRCA) is the local citizens association for the unincorporated residential area of Chevy Chase, Maryland that runs primarily along Jones Mill Road (between Park View Road and East West Highway) and Jones Bridge Road (between Jones Mill Road and Manor Road). Our community is largely nestled against Rock Creek Park and the Georgetown Branch Trail. In fact, there are over forty (40) homes in our community that are directly adjacent to the Georgetown Branch trail (between the wooded “paper road” of Coquelin Run Parkway and Rock Creek Park),¹ with dozens more in close enough proximity to be adversely impacted by the noise, vibration, and visual impacts of the Purple Line, as well as by the disruptions that will occur during the lengthy construction phase. In addition, there are hundreds of residents in our community that are regular trail users and appreciate the mature tree canopy and park-like setting provided by the trail in the middle of an urbanizing environment. Therefore, we have a strong interest in ensuring that the adverse impacts of the Purple Line, which is slated to run through our community over 200 times per day around the clock, are minimized.

Our review of the FEIS yields two overarching observations. First, the FEIS is deficient in that it fails to adequately describe the Purple Line’s impact to our community and the environment in terms of vibration levels, noise, tree loss, and other visual impacts. Second, the FEIS fails to contain sufficient and concrete commitments by the MTA to additional mitigation measures, including measures aimed at further reducing noise and vibration levels; preventing tree loss and damage; re-establishing the tree canopy following construction; placing reasonable limitations on construction activities; and by issuing clear design guidelines that will ensure all transitway elements are as aesthetically pleasing as possible.

¹ In particular, homes on Briery Court, Jones Bridge Road, Jones Bridge Court, Jones Mill Road, Susanna Lane, Coquelin Terrace, and West Coquelin Terrace.

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Therefore, before the Federal Transit Administration (FTA) issues a Record of Decision, it should require that the FEIS be supplemented to include: (1) the results of the additional studies and/or analyses demonstrated below as being necessary; and (2) clear and binding commitments to additional mitigation measures, as agreed to following a sufficient period of time for the MTA to meet with representatives of affected communities (including CRCA) and their elected representatives at the Federal, State, and County levels.

The latter is especially important. Vague promises by the MTA to further coordinate with affected communities during the Final Design phase simply will not do. By that point the Record of Decision (which sets forth the scope of work) will have already issued, and there will no longer be a clear mechanism for affected communities to obtain binding commitments to design changes and other mitigation measures. This concern is even greater now that the MTA plans to finance this project through a public-private partnership (P3). The MTA has acknowledged that the private company that constructs and operates the Purple Line will seek to maximize its return on investment by identifying so-called "efficiencies" that lead to lower construction and operation costs. The translation is obvious: find ways to do things cheaper. Under these circumstances, a private company will have no incentive whatsoever to depart from the scope of work as set forth in the Record of Decision and agree to design changes and mitigation measures aimed at reducing the impact to the community and making the project as aesthetically pleasing as possible.²

Indeed, as everyone is well aware, the MTA recently entered into a legally binding agreement with the Columbia Country Club in which certain design changes, mitigation measures, and limitations on construction activities were agreed to. We also understand that the MTA and the Chevy Chase Land Company also have reached a deal regarding the construction of a tunnel under the Purple Line to accommodate the Chevy Chase Land Company's desire for

² At least one County agency has wisely picked up on this issue and shares our exact concerns. As the Montgomery County Department of Parks observed in its comments to the FEIS:

Bids on the project will be based on the Scope of Work identified in the ROD and the contractor will be obligated to fulfill those commitments. Due to the fact that this will be a public private partnership, whereby MTA will continue to "own" the project, but a private contractor will be responsible for both constructing the project and operating the transit line, it will be difficult to negotiate additional mitigation and minimization measures during the design process that were not spelled out in the ROD.

Memorandum dated 10/14/2013 from Montgomery County Department of Parks to Montgomery County Parks Commission, at p. 2 (available at <http://www.montgomeryplanningboard.org/agenda/2013/agenda20131017e.html>)

This memorandum further observes: "One lesson learned from working on the Intercounty Connector (ICC) was that commitments for minimization and mitigation measures should be well defined during the FEIS process and confirmed in the record of decision (ROD)." (Ibid. at p. 3.)

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an interior road (between Manor Road and Chevy Chase Lake Drive) to facilitate the re-development of its shopping center. Therefore, fairness dictates that the MTA continue to work with affected communities and legally bind itself to additional mitigation measures by incorporating them into the FEIS. We trust that our elected representatives (copied on this letter) will see just how imperative it is that additional mitigation measures are developed soon and are committed to in writing in the FEIS, and that they will assist us in this effort.

With that said, our specific comments to the FEIS are as follows:

II. Comments to the FEIS

1. Vibrations

While the noise levels of the Purple Line have been a great source of concern for many communities (including ours), the FEIS reveals that perhaps an even greater threat to the well-being and quality of life of nearby residents is the vibrations caused by the Purple Line as it runs through our community over 200 times per day, at virtually all hours of the day and night. The MTA has often promoted the idea that light rail is quieter than heavy rail, but the same is not true with respect to vibrations. As the FEIS explains: "The Purple Line project would introduce LRT (light steel-wheel urban transit trains) into areas that currently do not have this source of vibration. Typical LRT trains produce similar vibration levels as heavy steel-wheel urban transit trains since they both have similar axle suspension systems." (FEIS Vol. III, Vibration Technical Report at p. 4.) The FEIS also states that this vibration can cause "windows, pictures on walls, and/or items on shelves to rattle" and that these occurrences can be "intrusive to building occupants." (Ibid.) The FEIS also acknowledges that train speed is a major cause of vibration.

Given that the MTA plans to run the train at top speed on the segment of the Georgetown Branch right-of-way that runs through our community, it appears that the homes in our community could be among those most affected by vibrations. Yet, the FEIS contains no assessments regarding the projected vibration levels to be experienced by the dozens of homes in our community that are adjacent to the Georgetown Branch right-of-way. The closest monitoring station (S6) was on Chevy Chase Lake Drive, close to the Connecticut Avenue Station. This failure to specifically study the expected vibration levels in our community leaves us in the dark as to what the vibration levels will be, how these vibration levels compare to existing conditions, and whether these vibration levels will be in excess of the Federal threshold of 72 VdB. If the vibration levels of the Chevy Chase Lake Drive monitoring station (S6) are any indication, it appears to be a virtual certainty that many homes in our community will experience a great increase in vibration over 200 times per day that will be very close to (and may very well exceed) the FTA's threshold for "unacceptable" levels of vibration.

Therefore, it is imperative that specific vibration analyses be performed for each of the homes in our community along the Georgetown Branch right-of-way (specifically, between Coquelin Run Parkway and Rock Creek). Based on the results of these studies, the MTA should evaluate what mitigation measures, such as speed restrictions, should be implemented.

Finally, it should be noted that the FEIS's characterization of vibration levels below 72 VdB as having "no impact" is extremely misleading. The FEIS explains that "[t]he human

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threshold of perception is around 65 VdB” and “human annoyance from vibration often occurs when vibration levels exceed the threshold of perception by only a small margin.” (FEIS Vol. III, Vibration Technical Report at p. 3.) Given the very low (indeed, practically non-existent) vibration levels that currently exist in our community along the trail, any perceptible vibration levels at all (especially when occurring over 200 times per day at levels that are near or above the federal threshold of 72 VdB) would be a drastic change to the current environment and certainly should be viewed as having an “impact” on one’s quality of life and well-being.

2. Noise

a. The Failure to Describe the Actual Noise Levels of the Purple Line

With respect to vibrations levels, the FEIS acknowledges that in terms of “human annoyance,” there is a “relationship between the number of daily events and the degree of annoyance caused by ground-borne vibration.” The same obviously is true when it comes to exposure to noise, but the FEIS speaks only in terms of average decibel levels throughout the day. By describing the noise of the Purple Line in terms of average decibel levels, the FEIS allows for noise peaks to be averaged with non-peak noise levels to compute an average number that is far lower than what nearby residents will actually hear at very regular intervals around the clock. (In fact, it appears that the actual noise levels of the Purple Line will be at least 87 decibels, even after accounting for noise panels and wheel skirts, which is much higher than the average decibel levels stated in the FEIS.) For that same reason, the FEIS’s description of the adverse impacts to health and well-being that occur at various decibel levels is not very helpful, as it does not answer the more pertinent question of what impacts to health and well-being occur when subjected to the actual noise levels of the Purple Line at the actual intervals at which the train passes by each day (in both directions).

Therefore, the FEIS needs to specify: (1) the actual decibel levels while the Purple Line is travelling through our community, and (2) the potential impacts to health and well-being of being subject to those particular noise levels at those particular intervals around the clock. It is this approach, rather than the approach used in the FEIS, that will more accurately demonstrate the noise impact of the Purple Line. Even if the approach used in the FEIS complies with the FTA’s regulations, the actual noise levels should be clearly stated so that residents and their elected officials will have a more realistic picture of the potential noise impacts of the Purple Line.

b. Additional flaws with the MTA’s noise analysis

Because of additional flaws with the MTA’s noise analysis, the noise levels of the Purple Line are not accurately stated in the FEIS. In particular:

1. First, the FEIS acknowledges that the noise created by the Purple Line could be even greater in certain spots where there are turns and/or the train is going up or down (and thus accelerating or braking). Certainly, there will be such spots in our community, considering that the train is to go under Jones Mill Road and then begin its ascent toward Connecticut Avenue. However, the FEIS does not specify where these spots are expected to be or what the increased noise levels are expected to be. Nor does the FEIS set forth any concrete commitment or

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procedures for identifying these spots and crafting appropriate mitigation measures before the Purple Line is built, or after construction if additional mitigation measures prove to be needed.

In fact, because the projected noise levels of the Purple Line are really just educated guesses, nobody knows for sure what exactly they will be when the Purple Line is operating. Certainly one can envision a situation where the noise levels will be higher than anticipated, thus calling for additional mitigation measures after the Purple Line is built. Therefore, the MTA should commit to studying the noise levels of the Purple Line along the Georgetown Branch right-of-way after it is built and fashioning additional noise mitigation measures where needed.

2. Second, the noise analysis does not account for any noise emanating from electric catenary wires, instead focusing only on noise emanating from the wheels.

3. Third, it is unclear from the FEIS what the noise levels will be when two trains are simultaneously passing the same spot (which is sure to happen numerous times throughout the day, given the frequency at which trains will be running).

These additional sources of noise need to be analyzed in order for the true noise levels of the Purple Line to be known.

It also should be noted that the summary of projected noise levels at each of the study areas along the Georgetown Branch right-of-way states that "green" tracks will be used (FEIS Volume III, Technical Report, Noise Table 5 at p. 18-20), leading the reader to believe that the use of green tracks has been committed to. However, the FEIS does not firmly commit to using green tracks along this segment of the route; rather, the FEIS only refers to green tracks as a possibility being looked into. Given that green tracks could reduce noise levels, the MTA should commit to using them throughout the entirety of the Georgetown Branch right-of-way.

3. Noise Mitigation Measures

a. Noise panels between the tracks and residences

The FEIS notes that the MTA will use four-foot tall noise panels along the Georgetown Branch right-of-way. It was extremely disappointing to see that these noise panels will result in only a reduction of four decibels, and that there was no analysis of the additional noise reduction that could be achieved through higher noise panels (e.g., at 6 feet, 8 feet, etc.). Likewise, there does not appear to be any evaluation of how alternative methods of sound reduction (such as by extending the retaining walls higher instead of affixing noise panels at the top) could further reduce the noise levels of the Purple Line. The MTA should analyze the extent to which further noise reduction could be achieved by higher noise panels and/or different materials.

b. Noise panels between the tracks and the trail

Given the frequency at which trains will be running and their peak noise levels, trail users cannot comfortably carry on a conversation or enjoy a walk, run, or bike ride in such an environment. Simply put, the trail experience following the construction of the Purple Line will stand in stark contrast to the current trail experience. Furthermore, such noise levels while using

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the trail is a safety issue, as trail users may not be able to hear other trail users, including warnings from fast-moving bicyclists, putting pedestrians (and particularly children) at risk.

Therefore, the MTA should implement the same noise mitigation devices between the trail and the transit line that it plans to implement between the transit line and adjacent properties. This type of noise mitigation will have the extra benefit of significantly reducing noise exposures for homes adjacent to the trail, as well as blocking the visual impacts of a train passing by every few minutes.

4. Tree Loss

a. Loss of trees in the Georgetown Branch right-of-way

The three-mile long Georgetown Branch right-of-way has been aptly described as a 20-acre, park-like woodland in a rapidly urbanizing environment. The construction of the Purple Line will result in the complete clear-cutting of hundreds of trees (far more than just the 143 "specimen trees" mentioned in the FEIS). However, the FEIS does not clearly identify the exact number of trees that will be lost along the Georgetown Branch right-of-way. This flawed approach raises two issues:

First, without a more accurate accounting of the tree loss caused by the construction of the Purple Line, the precise obligations of the MTA under applicable Federal, State, and local laws to mitigate tree loss and to perform re-forestation are not known (and, frankly, are probably being greatly underestimated at this point).

Second, while the Purple Line has been promoted as having the environmental benefit of taking cars off the road (and thus reducing pollution caused by driving), the MTA needs to quantify the already existing environmental benefits in terms of air pollution absorption and storm water retention currently provided by the trees in the Georgetown Branch right-of-way. The question of whether the Purple Line will be a net environmental benefit cannot be known until, among other things, the loss of the naturally occurring environment benefits provided by the trees currently in the Georgetown Branch right-of-way is more clearly quantified.

b. Trees on Private Land

The FEIS contains no survey of trees on private land adjacent to the Georgetown Branch right-of-way, nor does it analyze the extent to which such trees may be damaged or killed as a result of construction activity. Therefore, the MTA should: (1) conduct a tree survey to identify trees on private property whose critical root zones overlap the construction impact zone; (2) create tree protection measures (fencing, signage, etc.) in the plans and specifications for the construction contract; and (3) enact a monitoring system to ensure trees identified in the survey are not impacted by construction operations. To the extent privately owned trees are damaged during the construction process, the MTA must commit to compensating the landowner for the value of the tree, the cost to have it safely removed, and the cost of planting comparable replacement trees.

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5. Ridership Projections

The environmental benefits of the Purple Line turn in large part on its ridership (since the assumption is that ridership, to some extent, equals a reduction in car trips). However, the MTA's methodology for ridership projections remains a complete mystery to the reader of the FEIS. Moreover, simple math and local knowledge calls the ridership projections into question. For example, the MTA projects 2,300 boardings per day at the Connecticut Avenue station. However, the Chevy Chase Lake Sector Plan recently adopted by the Montgomery County Council calls for a net increase of about 1200 residential units within the sector, thus bringing the maximum possible number of residential units (over the next 20 years or so) within the entire sector (which extends far beyond those immediate areas in walking distance to the Purple Line) to not much more than the projected number of boardings at the station.

To put it in layman's terms, something just isn't adding up. It just does not seem possible for the number of boardings to be almost equal to the number of residential units within a one-mile radius. Even an assumption that only half of the nearby residents will use the Purple Line each day would be wildly optimistic. It is reasonable to believe that the same flaws probably exist for the ridership projections at other stations. Simply put, any sort of environmental benefits of the Purple Line cannot be known without knowing the ridership numbers; and how these ridership numbers have been calculated has yet to be explained in sufficient detail. Until this occurs (perhaps through commissioning an independent review of the MTA's methodology for calculating ridership), the question of how the environment benefits of the Purple Line stack up to the environmental degradation caused by its construction simply cannot be known.

6. Aesthetics

The FEIS acknowledges that the Georgetown Branch Trail area is a "visually sensitive area" because of the mature trees and the prominence of the natural environment." (FEIS Volume I, Chapter 4 at p. 78.). The FEIS also acknowledges that there will be a "high level" impact on the area due to the removal of mature trees and existing vegetation. (Ibid. at 84.) However, the FEIS fails to commit the MTA to identifying and preserving the mature trees within the Georgetown Branch right-of-way that can possibly be spared. The FEIS also fails to commit the MTA to a tree re-planting and landscaping plan to be implemented within any remaining portion of the right-of-way not utilized for this project. Even if there is only ten feet of right-of-way left over, that should provide ample space for tree planting.

Furthermore, the FEIS fails to provide any information about the visual characteristics of a number of aspects of this project, let alone commit the FTA to any design criteria. In particular, the FEIS does not specify the appearance of and materials to be used in "transitway elements" such as: (1) the retaining walls and noise barriers, (2) the fencing or other barriers to be built between the trail and tracks; (3) trail access points, including ramps, and (4) the elevated portion of the rail and trail as they ascend above grade towards Connecticut Avenue. Instead, the FEIS vaguely states that "MTA will continue to coordinate and consult with affected

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communities regarding the aesthetic treatment of the transitway elements.” (FEIS Volume I, Chapter 4, Table 4.1 at 4-6.)³

Therefore, the FEIS should include specific design criteria and mitigation measures that legally bind the MTA to the following:

1. All retaining walls and noise barriers should be designed in an aesthetically pleasing manner, including the use of natural stone, textures and designs that are compatible with the residential environment, and are designed with the intention of preserving as much as possible the wooded and rustic environment that currently exists and is intended to be achieved again once construction is complete. The precise design guidelines should be determined and committed to after consultation with representatives from affected communities along the Georgetown Branch right-of-way (including CRCA) and their elected officials at the Federal, State, and County level.
2. To the extent right-of-way remains unused for the rail or trail, commit to planting as many trees as is ecologically possible within the unused portion of the trail.
3. Provide funds to homeowners whose property is adjacent to the Georgetown Branch right-of-way for the purpose of planting trees and shrubs along the property lines abutting the right-of-way in order to replace the lost vegetation that currently provides a visual buffer from the trail.

7. Water runoff

The FEIS is silent as to the potential effects of the construction of the Purple Line on water runoff in the area of the Georgetown Branch right-of-way. The increase in impervious surfaces due to the construction of retaining walls, tracks, etc., and the effect of heavy construction has the potential to cause significant changes in, and potentially increase, the water run-off along our homes. Given that runoff from the project will flow directly into Coquelin Run and Rock Creek, this is a vitally important issue. Therefore, the MTA should commit to the surface of the new trail being a permeable material such as permeable asphalt or permeable concrete, and to the tracks being built on grass or another natural, permeable surface (which likely would help mitigate the noise and vibration issues described above).

8. Construction Activities

The FEIS is silent on the potential adverse effects from construction, including air and water pollution, the noise levels that residents are likely to experience from the trucks and heavy machinery, potential air pollution including exhaust fumes, dust or other particles, potential water contamination or other potential dangers. However, it is abundantly clear that the

³ The FEIS states only that “the right-of-way would have four foot retaining walls.” (FEIS Volume I, Chapter 4 at p. 85). However, due to the topography, several homes along the right-of-way (including several in our community) will have retaining walls at least 15 feet high near their backyards, dramatically changing the visual character of the wooded and secluded environment currently enjoyed.

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construction process for the Purple Line has the potential to create a significant negative effect on our residential community. According to Chapter 5 of the FEIS, construction of the Purple Line will take well over five years, not counting unanticipated delays. In addition, the FEIS states that surface and above ground construction will take place 6 days per week for 15 hours per day (7 days, 24 hours per day for underground / tunnel work). The transportation of materials by trucks also may take place 24 hours per day. Furthermore, the FEIS states that construction of the rail and trail in our community will require the use of heavy equipment such as cranes, excavators, bulldozers, loaders, dump trucks, and when necessary rigs to install piles.

Subjecting a quiet, residential community to this sort of noise and disruption is entirely unacceptable. Residents who live full time in these homes include individuals of all ages, and sleep disruptions likely to be caused by heavy construction that begins early in the morning and lasts late into the night will have serious health effects. Therefore, construction activities should be limited to 8:00 am through 5:00 pm on weekdays and 9:00 am through 4:00 pm on weekends.

III. Conclusion

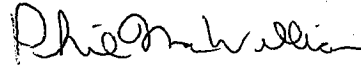
Before a Record of Decision is issued, the FEIS must be supplemented to include the results of the additional studies demonstrated above to be necessary, and to include firm commitments to various mitigation measures. In particular, the FEIS must be supplemented to include:

1. Vibration studies for the residences along the Georgetown Branch right-of-way;
2. A summary of the actual noise levels of the Purple Line (expressed in terms of the actual decibel levels at specific distances from the centerline of the rail), based on a noise analysis that take into account the additional noise created by the catenary wires and the increased noise levels that occur when two trains are in the same vicinity;
3. An analysis of the additional noise mitigation that can be achieved through the use of taller sound panels and/or different materials;
4. A commitment to using grass tracks in the segment of the project running along the Georgetown Branch right-of-way;
5. A more precise survey of the actual tree loss that will occur within the Georgetown Branch right-of-way as a result of construction;
6. A precise analysis of the environmental benefits currently provided by the trees within the Georgetown Branch right-of-way in terms of air pollution absorption and storm water retention;
7. A full disclosure and explanation of the methodology used to determine the ridership projections;
8. Following meetings with representatives of affected communities and their elected representatives, a firm and detailed commitment to a tree-loss prevention plan and tree re-planting plan (as more fully described above at pages 7-8), and a firm and detailed commitment to design criteria relating to the appearance of and materials to be used in various transitway elements (as more fully described above at pages 7-8); and

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9. An agreement to limit construction activities according to the constraints set forth above at pages 8-9.

Sincerely,



Phil MacWilliams
President
Coquelin Run Citizens Association

cc (via email):

Christopher Van Hollen, Jr., U.S. Representative, Maryland 8th Congressional District

Richard S. Madaleno, Jr., Maryland State Senator, District 18

Ike Leggett, Montgomery County Executive

Roger Berliner, Montgomery County Councilmember, District 1

Michael Madden, Purple Line Project Manager, Maryland Transit Administration