

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

July 19, 2010

CALL TO PODIUM:

Rob Robinson

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning & Code Administration**

Rob Robinson, Planner

Kirk Eby, Planner

**Ollie Mumpower, Engineering
Services Director**

Lauren Pruss, Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing “JOINT”
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	2/17/2010
	2/24/2010
Hearing Date	5/17/2010
Record Held Open	7/02/2010
Policy Discussion	7/19/2010

TITLE: MP-1-10

Transportation Element, an Amendment to the 2009 Master Plan

SUPPORTING BACKGROUND:

The City of Gaithersburg is empowered, under Article 66B, Land Use, of the Annotated Code of Maryland, to exercise autonomous planning and zoning powers. Codified in Article 66B, Section 3.05(a)(4)(iii) requires the development of a Transportation Element as part of the City's comprehensive master plan. This element will present recommendations for the future of Gaithersburg's transportation system while being consistent with the State and City visions laid forth in the City's 2009 Process and Overview Element.

A Master Plan Element, Transportation will serve as an informational and policy document to the Mayor and City Council, the Planning Commission, other boards and committees of the City, and the residents of Gaithersburg. This Element is the third amendment to the 2009 Master Plan update.

The 2009 Transportation Element will give an overall account of conditions, projects, and policies that are now shaping the local transportation system. The link between land use impacts and transportation will be highlighted. The plan will identify needs and provide recommendations for improving the transportation system over the next six years.

The draft MP-1-10 was made available to the public and distributed to the Mayor and City Council and Planning Commission 60 days prior to the joint public hearing on May 17, 2010. A joint work session was then held May 24, 2010. The Planning Commission approved MP-1-10 on June 16, 2010 by resolution PCR-3-10 and recommended adoption of the same by the Mayor & Council. The Mayor and City Council record closed on July 2, 2010 at 5 PM.

Should the Mayor and Council be satisfied with the Transportation Element, staff has prepared a draft resolution for final action

Attachments:

- Draft Resolution
- Communication: Planning Commission (Exhibit 27)
- Revised draft version of the Element, dated June 11, 2010, (Exhibit 22)
- Memorandum to the Planning Commission, dated June 11, 2010, detailing the changes made to the draft Element (Exhibit 23)
- Index of Memoranda (**Exhibits in bold**)

DESIRED OUTCOME:

**Conduct Policy Discussion
Draft Resolution Attached
Ready for Final Action**

From: [Greg Ossont](#)
To: [Rob Robinson](#); [Kirk Eby](#)
Subject: FW: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element
Date: Tuesday, July 20, 2010 9:03:14 AM

record

Greg Ossont, Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg MD 20877
Planning and Code Administration
301-258-6330
301-258-6336 (fax)

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The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

From: richardarkin@aol.com [mailto:richardarkin@aol.com]
Sent: Monday, July 19, 2010 5:15 PM
To: Sidney Katz; Jud Ashman; Henry Marraffa; Cathy Drzyzgula; Ryan Spiegel; Michael Sesma; CityHall External Mail; PlanCode External Mailing; Angel Jones; Greg Ossont; Jud Ashman - External; SESMA@aol.com; cathy@drzyzgula.org; Henry Marraffa - External; ryan@ryanspiegel.com
Subject: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Good Afternoon,

I was among about two dozen people present at the MTA "Lakelands and Kentlands Project Update" presentation July 14 in Lakelands on the Corridor Cities Transitway. The presentation, which was given by MTA Project Manager Rick Kiegel, included some comments about mode and route selection that seem to me to be pertinent to the Master Plan Transportation Element (MP-1-10), which is on the agenda for adoption tonight. I do not recall seeing any City officials or staffers present when the update was given, so I thought I ought to bring those comments to your attention.

Rick said, among other things, that the Gaithersburg, Rockville and Montgomery County governments - and many members of the public -- had made abundantly clear their emphatic preference for the light rail mode over bus rapid transit. In contrast, however, while Rick said that Gaithersburg had asked for study of the Kentlands and Crown Farm alternative alignment proposals, he seemed to suggest that the City had not made its preference for those alternatives particularly clear.

I questioned him during the meeting about the alternative alignment proposals and he credited me with proposing the Kentlands alignment being studied (as well as other Kentlands alignments) and he observed that the alternative alignments had been included in City plans for development of the Kentlands commercial area and Crown Farm. He also noted that the Kentlands alternative would better serve those who live and work in Kentlands and those who will be attracted by future development. However, he seemed to suggest that the City had not been very emphatic in expressing support the Kentlands and Crown Farm alternative alignments.

I questioned him further and he said that selection of the Locally Preferred Alternatives for both alignment and mode would be significantly affected by clear preferences expressed by local governments. He seemed to suggest that Gaithersburg should more clearly state its preference for these alternative alignments if the City wanted them to be included in the final plan.

As you know, the Kentlands alternative alignment is part of the adopted plan for the Kentlands Commercial District Special Study Area and the Crown Farm alternative alignment is present in the adopted plans for the Crown Farm project. However, I believe it is important that the City more clearly state its alignment preferences in the Transportation Plan.

Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments

Thank you.

Sincerely,
Richard L. Arkin
121 Selby Street
Gaithersburg, MD 20878

P.S.: In other respects, as I have stated previously, I support adoption of the Transportation Element as proposed.

From: richardarkin@aol.com
To: [Ryan Spiegel - External](#); [Sidney Katz](#); [Jud Ashman](#); [Henry Marraffa](#); [Cathy Drzyzgula](#); [Michael Sesma](#); [Angel Jones](#); [Greg Ossont](#); [Jud Ashman - External](#); cathy@drzyzgula.org; [Henry Marraffa - External](#); richardarkin@aol.com
Subject: Re: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element
Date: Tuesday, July 20, 2010 12:14:17 AM

Ryan,

Thanks for your response to my email.

I appreciate your forwarding the two 2009 letters to the County Council about mode and alignment. Both letters support LRT as the City's first choice and BRT as an acceptable second choice. The letters regarding the Kentlands and Crown Farm alignments are, I would respectively suggest, less than emphatic. The July 2009 letter states "the City continues to advocate for" the two proposed alignment changes, while stating rather mildly that it "requests that the County Council support these adjustments." The September 2009 letter is somewhat stronger, stating that "the City is very supportive of the alternative alignments that would serve both the Crown Farm and Kentlands." I was hoping for somewhat stronger language since Rick gave the impression that the State was not convinced that this was a passionate endorsement of the proposed alignment adjustments.

Rick's presentation last week was similar to other presentations about the CCT, but did demonstrate some evolution in the State's thinking in several areas. For example, several of the alignments now being suggested for the Life Sciences Center differ significantly from alignments shown on other occasions and, perhaps more important for the City, a third alignment suggestion for the Crown Farm area is substantially different from the two alignments we have seen before in that it would eliminate all service from the Crown Farm and move that section of the route into the Medical Center.

Rick's remarks indicated that the cost/benefit analyses of BRT and LRT the State had conducted made recommendation of an LRT modal choice problematic, although he did concede -- in a departure from previous statements -- that the ridership estimates for the alternatives all showed significantly higher riderships than for the approved master plan alignment. I would agree with the other resident that he did not seem to hold out much hope for an LRT selection because of costs, but I must disagree about what he said about alignment changes. Rick stated that the Kentlands alignment added only seconds more time -- "less than a minute" -- to trip duration and suggested this was also true for the Crown Farm alignment, adding at this point in the discussion that input from the local governments and the public strongly supporting the Kentlands and Crown Farm alignments "would be given considerable weight" by the State in the decisions on the final alignment.

I would, therefore, agree with your suggestion that the City "can..reiterate our strong support of the Kentlands/Crown Farm alternative alignment" because, if nothing else, "it can't hurt." While I think the State is leaning in favor of the Kentlands and Crown Farm alignments favored by the City and is also likely to approve one of the Life Sciences Center alignments outside Gaithersburg, an additional strong statement of support could only help when the Secretary recommends and the Governor decides the fate of the Kentlands and Crown Farm alternatives.

Thanks for the kind words about my return to "the mix." In many ways, I don't feel

I've really been away.

Sincerely,

Richard

-----Original Message-----

From: Spiegel, Ryan S. <RSpiegel@winston.com>

To: 'richardarkin@aol.com' <richardarkin@aol.com>; skatz@gaithersburgmd.gov <skatz@gaithersburgmd.gov>; jashman@gaithersburgmd.gov <jashman@gaithersburgmd.gov>; hmarraffa@gaithersburgmd.gov <hmarraffa@gaithersburgmd.gov>; cdrzyzgula@gaithersburgmd.gov <cdrzyzgula@gaithersburgmd.gov>; msesma@gaithersburgmd.gov <msesma@gaithersburgmd.gov>; ajones@gaithersburgmd.gov <ajones@gaithersburgmd.gov>; gossont@gaithersburgmd.gov <gossont@gaithersburgmd.gov>; JUDASHMAN@aol.com <JUDASHMAN@aol.com>; cathy@drzyzgula.org <cathy@drzyzgula.org>; hmarraffa@starpower.net <hmarraffa@starpower.net>

Sent: Mon, Jul 19, 2010 5:41 pm

Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Dick,

Thanks for your input. I am frankly surprised that the state might be under the impression that we don't strongly support the Kentlands/Crown Farm alternative alignment. I think our multiple previous statements have been quite clear. I have attached two letters to the County Council reflecting our strong support for the Kentlands/Crown Farm alternative alignment back in 2009. I don't have our letters to the state handy, but I suspect they include very similar language.

I am also interested in your understanding from Rick that the alignment and mode will be "significantly affected" by preferences of local governments. Indeed, another resident who was also at the Lakelands meeting recently emailed us that she got the contradictory impression from Rick that the state is going to choose the alternative it wants, and not give too much weight to local governments. (I should mention that we have seen the same presentation from Rick several times in recent months, so even though we could not make the Lakelands meeting, we are very familiar with the issues.) In particular, even though local governments are pushing light rail, the state seems to be continuing to justify BRT as a more cost-effective mode (though it hasn't come out clearly in favor of BRT).

In any event, we can always reiterate our strong support of the Kentlands/Crown Farm alternative alignment if necessary. It can't hurt. For what it's worth, my impression is that the state folks strongly support the Kentlands/Crown Farm alternative alignment, and that it won't be a controversial point (though I believe DANAC is trying to fight it). The much tougher call is the mode (rail vs. bus). I *hope* that the state places a lot of weight on local governments' preferences for the alternative mode and alignment choices, but I am not convinced this is true. Time will tell.

Once again, it's great to have you back in the mix.

Regards,
Ryan

From: richardarkin@aol.com [<mailto:richardarkin@aol.com>]

Sent: Monday, July 19, 2010 5:15 PM

To: skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; rspiegel@gaithersburgmd.gov; msesma@gaithersburgmd.gov; cityhall@gaithersburgmd.gov;

plancode@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov;
JUDASHMAN@aol.com; SESMA@aol.com; cathy@drzyzgula.org; hmarraffa@starpower.net;
ryan@ryanspiegel.com

Subject: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Good Afternoon,

I was among about two dozen people present at the MTA "Lakelands and Kentlands Project Update" presentation July 14 in Lakelands on the Corridor Cities Transitway. The presentation, which was given by MTA Project Manager Rick Kiegel, included some comments about mode and route selection that seem to me to be pertinent to the Master Plan Transportation Element (MP-1-10), which is on the agenda for adoption tonight. I do not recall seeing any City officials or staffers present when the update was given, so I thought I ought to bring those comments to your attention.

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I questioned him during the meeting about the alternative alignment proposals and he credited me with proposing the Kentlands alignment being studied (as well as other Kentlands alignments) and he observed that the alternative alignments had been included in City plans for development of the Kentlands commercial area and Crown Farm. He also noted that the Kentlands alternative would better serve those who live and work in Kentlands and those who will be attracted by future development. However, he seemed to suggest that the City had not been very emphatic in expressing support the Kentlands and Crown Farm alternative alignments.

I questioned him further and he said that selection of the Locally Preferred Alternatives for both alignment and mode would be significantly affected by clear preferences expressed by local governments. He seemed to suggest that Gaithersburg should more clearly state its preference for these alternative alignments if the City wanted them to be included in the final plan.

As you know, the Kentlands alternative alignment is part of the adopted plan for the Kentlands Commercial District Special Study Area and the Crown Farm alternative alignment is present in the adopted plans for the Crown Farm project. However, I believe it is important that the City more clearly state its alignment preferences in the Transportation Plan.

Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments

Thank you.

Sincerely,
Richard L. Arkin
121 Selby Street
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P.S.: In other respects, as I have stated previously, I support adoption of the Transportation Element as proposed.

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From: richardarkin@aol.com
To: cathy@drzyzgula.org; [Ryan Spiegel - External](#); [Sidney Katz](#); [Jud Ashman](#); [Henry Marraffa](#); [Cathy Drzyzgula](#); [Michael Sesma](#); [Angel Jones](#); [Greg Ossont](#); [Jud Ashman - External](#); [Henry Marraffa - External](#); richardarkin@aol.com
Subject: Re: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element
Date: Tuesday, July 20, 2010 12:33:08 AM

Cathy,

Rick stated at the July 14 presentation that "the cities" and "Montgomery County" had "expressed strong support for light rail over bus rapid transit," but I would agree that your characterization of the City's current position on LRT vs. BRT and the reasons for that position is correct. My own position -- nuanced slightly from yours -- is that the preference should be strongly in favor of LRT, but that BRT would be an acceptable second choice because a BRT CCT would be better than no CCT at all, especially in the context of limited availability of government dollars.

I continue to believe, however, I think the are problems with the assumptions upon which the cost/benefit analyses depend and with the "Black Box" methodology (Rick's label, not mine) by which these assumptions are converted into decision documents.

Rick promised at the meeting to make available further information on the assumptions and the "Black Box" methodology so that we could work with these numbers. I intend to hold him to that promise.

Furthermore, he volunteered that the State was determined to exclude information on (1) demonstrated rider preferences for one mode over another and (2) demonstrated economic development impacts favoring one mode over another because he felt those factors are not relevant to a cost/benefit analysis and should not play a role in the mode decision. I believe that excluding these factors is a serious misjudgment.

Richard

-----Original Message-----

From: Cathy Drzyzgula <cathy@drzyzgula.org>
To: 'Spiegel, Ryan S.' <RSpiegel@winston.com>; richardarkin@aol.com; skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; mstesma@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; hmarraffa@starpower.net
Sent: Mon, Jul 19, 2010 6:00 pm
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

I believe Ryan's response covered most of your topics. I would not however say that the City's position can be characterized as an emphatic preference for light rail. As the letter dated July 10, 2009 from the City to the County indicates, we prefer light rail, but would support bus rapid transit if that moves the project forward. It appears that we need to restate our position, in case there really is confusion on our preferences regarding mode and alternative routes.

Cathy Drzyzgula

From: Spiegel, Ryan S. [<mailto:RSpiegel@winston.com>]
Sent: Monday, July 19, 2010 5:41 PM
To: 'richardarkin@aol.com'; skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; mstesma@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; cathy@drzyzgula.org; hmarraffa@starpower.net
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Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under the Internal Revenue Code of 1986, as amended.

From: richardarkin@aol.com
To: [Jud Ashman](mailto:Jud.Ashman@drzyzgula.org); [Henry Marraffa](mailto:Henry.Marraffa@drzyzgula.org); [Ryan Spiegel - External](mailto:Ryan.Spiegel@drzyzgula.org); [Sidney Katz](mailto:Sidney.Katz@drzyzgula.org); richardarkin@aol.com; [Henry Marraffa - External](mailto:Henry.Marraffa@drzyzgula.org); cathy@drzyzgula.org; [Jud Ashman - External](mailto:Jud.Ashman@drzyzgula.org); [Greg Ossont](mailto:Greg.Ossont@drzyzgula.org); [Angel Jones](mailto:Angel.Jones@drzyzgula.org); [Michael Sesma](mailto:Michael.Sesma@drzyzgula.org); [Cathy Drzyzgula](mailto:Cathy.Drzyzgula@drzyzgula.org); richardarkin@aol.com; richardarkin@comcast.net
Subject: Response to Ryan, including the entire MTA CCT Presentation, Alignments, and Transportation Element Exchange Appended
Date: Tuesday, July 20, 2010 1:32:18 AM

Ryan (et al.),

I agree with your statements about the City's thinking and the City's rationale in developing its thinking, but the City's written statements do not, in my view, accurately reflect what you expressed. The City statements, as shown in the letters you sent and in the language of the Draft Transportation Element, have been much softer and less clear than the language you, Cathy, and I have been using in this exchange.

Simple, clear, and strong language longer than a single sentence -- language that accurately reflects what and why the City thinks -- would, I believe, make a difference in getting the State to buy into the Kentlands and Crown Farm alignments and might ultimately help to make a real difference in the modal choice. I think such language needs to be developed, included in the Transportation Element, and shared with the State.

Richard

P.S. Marc Elrich's "intriguing" countywide BRT proposal does indeed complicate matters. Unfortunately, it reflects Marc's fundamental misunderstanding not only of the role of transportation in the development process, but of how and why BRT can work in certain very specialized contexts, while being wholly unworkable as a transportation "solution" in an urban context. It also ignores the physical realities of the existing and planned built environment in Montgomery County. Attempting to carry out Marc's BRT proposal would be enormously expensive, tremendously disruptive, and terribly destructive of the county's existing development fabric. His plan, regretfully, would make real pedestrian-friendly smart growth essentially impossible to achieve and would ultimately result in endless sprawl.

-----Original Message-----

From: Spiegel, Ryan S. <RSpiegel@winston.com>
To: 'Cathy Drzyzgula' <cathy@drzyzgula.org>; richardarkin@aol.com <richardarkin@aol.com>; skatz@gaithersburgmd.gov <skatz@gaithersburgmd.gov>; jashman@gaithersburgmd.gov <jashman@gaithersburgmd.gov>; hmarraffa@gaithersburgmd.gov <hmarraffa@gaithersburgmd.gov>; cdrzyzgula@gaithersburgmd.gov <cdrzyzgula@gaithersburgmd.gov>; msesma@gaithersburgmd.gov <msesma@gaithersburgmd.gov>; ajones@gaithersburgmd.gov <ajones@gaithersburgmd.gov>; gossont@gaithersburgmd.gov <gossont@gaithersburgmd.gov>; JUDASHMAN@aol.com <JUDASHMAN@aol.com>; hmarraffa@starpower.net <hmarraffa@starpower.net>
Sent: Mon, Jul 19, 2010 6:03 pm
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Cathy is right. One of Gaithersburg's arguments has been that the alternative alignment studies and the approval of the Great Seneca Science Corridor Plan by the County will increase ridership enough to make light rail more cost-effective and competitive for federal funds. Recent numbers suggest that is true, which bolsters the case for light rail. The city has strongly endorsed light rail, but back in 2009 when it seemed like the ridership numbers simply could not support the significant additional upfront capital costs for a light rail system, we added the caveat that we'd rather have BRT than nothing (see the letters I sent). But we continued to make clear that if the scenarios and the data changed enough to make light rail a real possibility, that is our preference. The County Council also voiced its preference for light rail. Now that the ridership numbers are changing, this is the best chance in years to justify light rail over bus. But much of this still depends on political factors for the Governor, as well as the amount of funding that the federal government is going to make available -- especially with two other major projects already competing against the CCT in Maryland (the Purple Line, and the Baltimore Red Line). Marc Elrich's intriguing countywide BRT proposal complicates matters, because BRT supporters are now arguing that a bus-based CCT could easily be integrated into a countywide BRT system, whereas a light rail CCT might not.

Cathy,

Rick stated at the July 14 presentation that "the cities" and "Montgomery County" had "expressed strong support for light rail over bus rapid transit," but I would agree that your characterization of the City's current position on LRT vs.

BRT and the reasons for that position is correct. My own position -- nuanced slightly from yours -- is that the preference should be strongly in favor of LRT, but that BRT would be an acceptable second choice because a BRT CCT would be better than no CCT at all, especially in the context of limited availability of government dollars.

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Richard

From: Cathy Drzyzgula [<mailto:cathy@drzyzgula.org>]
Sent: Monday, July 19, 2010 6:01 PM
To: Spiegel, Ryan S.; richardarkin@aol.com; skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; msema@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; hmarraffa@starpower.net
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

I believe Ryan's response covered most of your topics. I would not however say that the City's position can be characterized as an emphatic preference for light rail. As the letter dated July 10, 2009 from the City to the County indicates, we prefer light rail, but would support bus rapid transit if that moves the project forward. It appears that we need to restate our position, in case there really is confusion on our preferences regarding mode and alternative routes.

Cathy Drzyzgula

Ryan,

Thanks for your response to my email.

I appreciate your forwarding the two 2009 letters to the County Council about mode and alignment. Both letters support LRT as the City's first choice and BRT as an acceptable second choice. The letters regarding the Kentlands and Crown Farm alignments are, I would respectively suggest, less than emphatic. The July 2009 letter states "the City continues to advocate for" the two proposed alignment changes, while stating rather mildly that it "requests that the County Council support these adjustments." The September 2009 letter is somewhat stronger, stating that "the City is very supportive of the alternative alignments that would serve both the Crown Farm and Kentlands." I was hoping for somewhat stronger language since Rick gave the impression that the State was not convinced that this was a passionate endorsement of the proposed alignment adjustments.

Rick's presentation last week was similar to other presentations about the CCT, but did demonstrate some evolution in the State's thinking in several areas. For example, several of the alignments now being suggested for the Life Sciences Center differ significantly from alignments shown on other occasions and, perhaps more important for the City, a third alignment suggestion for the Crown Farm area is substantially different from the two alignments we have seen before in that it would eliminate all service from the Crown Farm and move that section of the route into the Medical Center.

Rick's remarks indicated that the cost/benefit analyses of BRT and LRT the State had conducted made recommendation of an LRT modal choice problematic, although he did concede -- in a departure from previous statements -- that the ridership estimates for the alternatives all showed

significantly higher riderships than for the approved master plan alignment. I would agree with the other resident that he did not seem to hold out much hope for an LRT selection because of costs, but I must disagree about what he said about alignment changes. Rick stated that the Kentlands alignment added only seconds more time -- "less than a minute" -- to trip duration and suggested this was also true for the Crown Farm alignment, adding at this point in the discussion that input from the local governments and the public strongly supporting the Kentlands and Crown Farm alignments "would be given considerable weight" by the State in the decisions on the final alignment.

I would, therefore, agree with your suggestion that the City "can..reiterate our strong support of the Kentlands/Crown Farm alternative alignment" because, if nothing else, "it can't hurt." While I think the State is leaning in favor of the Kentlands and Crown Farm alignments favored by the City and is also likely to approve one of the Life Sciences Center alignments outside Gaithersburg, an additional strong statement of support could only help when the Secretary recommends and the Governor decides the fate of the Kentlands and Crown Farm alternatives.

Thanks for the kind words about my return to "the mix." In many ways, I don't feel I've really been away.

Sincerely,

Richard

From: Spiegel, Ryan S. [<mailto:RSpiegel@winston.com>]
Sent: Monday, July 19, 2010 5:41 PM
To: 'richardarkin@aol.com'; skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; mstesma@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; cathy@drzyzgula.org; hmarraffa@starpower.net
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Dick,

Thanks for your input. I am frankly surprised that the state might be under the impression that we don't strongly support the Kentlands/Crown Farm alternative alignment. I think our multiple previous statements have been quite clear. I have attached two letters to the County Council reflecting our strong support for the Kentlands/Crown Farm alternative alignment back in 2009. I don't have our letters to the state handy, but I suspect they include very similar language.

I am also interested in your understanding from Rick that the alignment and mode will be "significantly affected" by preferences of local governments. Indeed, another resident who was also at the Lakelands meeting recently emailed us that she got the contradictory impression from Rick that the state is going to choose the alternative it wants, and not give too much weight to local governments. (I should mention that we have seen the same presentation from Rick several times in recent months, so even though we could not make the Lakelands meeting, we are very familiar with the issues.) In particular, even though local governments are pushing light rail, the state seems to be continuing to justify BRT as a more cost-effective mode (though it hasn't come out clearly in favor of BRT).

In any event, we can always reiterate our strong support of the Kentlands/Crown Farm alternative alignment if necessary. It can't hurt. For what it's worth, my impression is that the state folks strongly support the Kentlands/Crown Farm alternative alignment, and that it won't be a controversial point (though I believe DANAC is trying to fight it). The much tougher call is the mode (rail vs. bus). I *hope* that the state places a lot of weight on local governments' preferences for the alternative mode and alignment choices, but I am not convinced this is true. Time will tell.

Once again, it's great to have you back in the mix.

Regards,
Ryan

From: richardarkin@aol.com [<mailto:richardarkin@aol.com>]

Sent: Monday, July 19, 2010 5:15 PM

To: skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; rspiegel@gaithersburgmd.gov; msema@gaithersburgmd.gov; cityhall@gaithersburgmd.gov; plancode@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; SESMA@aol.com; cathy@drzyzgula.org; hmarraffa@starpower.net; ryan@ryanspiegel.com

Subject: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Good Afternoon,

I was among about two dozen people present at the MTA "Lakelands and Kentlands Project Update" presentation July 14 in Lakelands on the Corridor Cities Transitway. The presentation, which was given by MTA Project Manager Rick Kiegel, included some comments about mode and route selection that seem to me to be pertinent to the Master Plan Transportation Element (MP-1-10), which is on the agenda for adoption tonight. I do not recall seeing any City officials or staffers present when the update was given, so I thought I ought to bring those comments to your attention.

Rick said, among other things, that the Gaithersburg, Rockville and Montgomery County governments -- and many members of the public -- had made abundantly clear their emphatic preference for the light rail mode over bus rapid transit. In contrast, however, while Rick said that Gaithersburg had asked for study of the Kentlands and Crown Farm alternative alignment proposals, he seemed to suggest that the City had not made its preference for those alternatives particularly clear.

I questioned him during the meeting about the alternative alignment proposals and he credited me with proposing the Kentlands alignment being studied (as well as other Kentlands alignments) and he observed that the alternative alignments had been included in City plans for development of the Kentlands commercial area and Crown Farm. He also noted that the Kentlands alternative would better serve those who live and work in Kentlands and those who will be attracted by future development. However, he seemed to suggest that the City had not been very emphatic in expressing support the Kentlands and Crown Farm alternative alignments.

I questioned him further and he said that selection of the Locally Preferred Alternatives for both alignment and mode would be significantly affected by clear preferences expressed by local governments. He seemed to suggest that Gaithersburg should more clearly state its preference for these alternative alignments if the City wanted them to be included in the final plan.

As you know, the Kentlands alternative alignment is part of the adopted plan for the Kentlands Commercial District Special Study Area and the Crown Farm alternative alignment is present in the adopted plans for the Crown Farm project. However, I believe it is important that the City more clearly state its alignment preferences in the Transportation Plan.

Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments

Thank you.

Sincerely,
Richard L. Arkin
121 Selby Street
Gaithersburg, MD 20878

P.S.: In other respects, as I have stated previously, I support adoption of the Transportation Element as proposed.

From: richardarkin@aol.com
To: [Rob Robinson](mailto:Rob.Robinson); [Greg Ossont](mailto:Greg.Ossont); [Sidney Katz](mailto:Sidney.Katz); [Jud Ashman](mailto:Jud.Ashman); [Henry Marraffa](mailto:Henry.Marraffa); [Cathy Drzyzgula](mailto:Cathy.Drzyzgula); [Michael Sesma](mailto:Michael.Sesma); [Angel Jones](mailto:Angel.Jones); cathy@drzyzgula.org; [Ryan Spiegel](mailto:Ryan.Spiegel) - External
Subject: Re: Email from Mr. Robinson
Date: Tuesday, July 20, 2010 2:30:30 AM

Mr. Robinson:

Thank you for sending, in response to instructions from Director Ossont, the file entitled "092109_Meeting_Package.pdf," which turned out to be a copy of a September 16, 2009, letter from Mayor Katz to Governor O'Malley regarding the highway and transit components of the I-270/US 15 multimodal corridor study. The letter expressed in very restrained language the city's general preference for light rail over bus rapid transit for the CCT. It also included a single sentence stating that the city is "very supportive of the alternative alignments that would serve both the Crown Farm and Kentlands." Perhaps there is more in the resolutions and accompanying correspondence with the State that Councilmember Spiegel asked Director Ossont to send to me, so I am looking forward to receiving them.

I am puzzled why you drew my attention to "the Draft Element, first bullet under Objective 3," which says "Continue to support the Corridor Cities Transitway (CCT) with the Kentlands and Crown Farm realignments and endorse light rail transit (LRT) as the preferred mode option for CCT." My awareness of that single line in the Draft formed the basis for my comment last night that "I believe it is important that the City more clearly state its alignment preferences in the Transportation Plan." I added: "Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments."

I am also puzzled about your writing that "I hope this answers your questions." My comments were statements rather than questions, so I do not understand what you meant.

Richard L. Arkin

-----Original Message-----

From: Rob Robinson <RRobinson@gaithersburgmd.gov>
To: Greg Ossont <GOssont@gaithersburgmd.gov>; richardarkin@aol.com <richardarkin@aol.com>; Sidney Katz <SKatz@gaithersburgmd.gov>; Jud Ashman <JAshman@gaithersburgmd.gov>; Henry Marraffa <HMarraffa@gaithersburgmd.gov>; Cathy Drzyzgula <CDrzyzgula@gaithersburgmd.gov>; Michael Sesma <MSesma@gaithersburgmd.gov>; Angel Jones <AJones@gaithersburgmd.gov>; GregOssont <GOssont@gaithersburgmd.gov>; cathy@drzyzgula.org <cathy@drzyzgula.org>; Ryan Spiegel - External <RSpiegel@winston.com>
Sent: Mon, Jul 19, 2010 6:20 pm
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Mr. Arkin,

Director Ossont asked me to forward you Mayor Katz's letter to Gov. O'Malley stating the City's position on the I-270 Study. Additionally, please make note that the Draft Element, first bullet under Objective 3 states, "Continue to support the Corridor Cities Transitway (CCT) with the Kentlands and Crown Farm realignments and endorse light rail transit (LRT) as the preferred mode option for CCT." I hope this answers your questions.

Rob Robinson III, AICP
MD DNR Qualified Professional
Planner

Joint Hearing - MCC & PC
MP-1-10
36

City of Gaithersburg
301-258-6330 Ext. 2122

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

From: Greg Ossont
Sent: Monday, July 19, 2010 6:00 PM
To: Ryan Spiegel - External
Subject: Re: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

No problem.

From: Spiegel, Ryan S. [<mailto:RSpiegel@winston.com>]
Sent: Monday, July 19, 2010 05:58 PM
To: Greg Ossont
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

If you can dig up the resolutions (and any correspondence showing we sent the resolutions to the state) and send them to Arkin, that would be great.

From: Greg Ossont [<mailto:GOssont@gaithersburgmd.gov>]
Sent: Monday, July 19, 2010 5:48 PM
To: Spiegel, Ryan S.
Subject: Re: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Well done, thanks. We also have you guys on record via resolutions expressing support in adoption of both crown and kentlands.

From: Spiegel, Ryan S. [<mailto:RSpiegel@winston.com>]
Sent: Monday, July 19, 2010 05:41 PM
To: 'richardarkin@aol.com' <richardarkin@aol.com>; Sidney Katz; Jud Ashman; Henry Marraffa; Cathy Drzyzgula; Michael Sesma; Angel Jones; Greg Ossont; Jud Ashman - External; cathy@drzyzgula.org <cathy@drzyzgula.org>; Henry Marraffa - External
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

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Once again, it's great to have you back in the mix.

Regards,
Ryan

From: richardarkin@aol.com [<mailto:richardarkin@aol.com>]

Sent: Monday, July 19, 2010 5:15 PM

To: skatz@gaithersburgmd.gov; jashman@gaithersburgmd.gov; hmarraffa@gaithersburgmd.gov; cdrzyzgula@gaithersburgmd.gov; rspiegel@gaithersburgmd.gov; msesma@gaithersburgmd.gov; cityhall@gaithersburgmd.gov; plancode@gaithersburgmd.gov; ajones@gaithersburgmd.gov; gossont@gaithersburgmd.gov; JUDASHMAN@aol.com; SESMA@aol.com; cathy@drzyzgula.org; hmarraffa@starpower.net; ryan@ryanspiegel.com

Subject: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

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Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of

the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments

Thank you.

Sincerely,
Richard L. Arkin
121 Selby Street
Gaithersburg, MD 20878

P.S.: In other respects, as I have stated previously, I support adoption of the Transportation Element as proposed.

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From: [Rick Kiegel](#)
To: [Rob Robinson](#)
Cc: [Greg Ossont](#)
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element
Date: Tuesday, July 20, 2010 2:54:09 PM

We met with the Lakeland and Kentlands communities last week. Please allow me to react to a few comments noted in Mr. Arkin's email.

I mistakenly stated that the Mayor and City Council wrote a letter in support of LRT. I did not remember that the City's stated position was for BRT as earlier internal discussions centered on LRT and the City's view about favorably offering the site for the O&M if it were for light rail. I apologize for misstating this. If you'd like, I will be happy to send an email to attendees to clarify this.

Mr. Arkin's points regarding the City's preferences to alignment choice are wrong. I am well aware of the City's preferences regarding a new Crown Farm alignment and the shift to better serve the Kentlands. In fact, I stated that the City made the formal request to MTA to study these changes. That request would not have been made if the City was not in favor of them.

I wish someone from the City could have been at the meeting. The hosts (Lakelands HOA reps) indicated that they would invite you but apparently talked to the wrong people.

Again, I'm sorry for misstating the City's mode choice. You stand together with Frederick County in support of BRT.

Rick

From: Rob Robinson [mailto:RRobinson@gaithersburgmd.gov]
Sent: Monday, July 19, 2010 5:48 PM
To: Rick Kiegel
Cc: Greg Ossont
Subject: FW: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Rick,

We received this-is this accurate as to MTA's position regarding the City's stance? I've attached Mayor Katz's letter to the Governor stating the City's position regarding I-270 Study.

Rob

Rob Robinson III, AICP
MD DNR Qualified Professional
Planner
City of Gaithersburg
301-258-6330 Ext. 2122

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

From: Greg Ossont
Sent: Monday, July 19, 2010 5:36 PM
To: Rob Robinson
Subject: Re: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Forward to rick as an fyi please.

From: Rob Robinson
Sent: Monday, July 19, 2010 05:30 PM
To: Greg Ossont
Subject: RE: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

No-BTW the M&CC are on record supporting the alternative alignments, by letter and resolutions.

From: Greg Ossont
Sent: Monday, July 19, 2010 5:24 PM
To: Rob Robinson
Subject: Fw: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

Did we get something from rick on the Plan?

From: richardarkin@aol.com [mailto:richardarkin@aol.com]
Sent: Monday, July 19, 2010 05:14 PM
To: Sidney Katz; Jud Ashman; Henry Marraffa; Cathy Drzyzgula; Ryan Spiegel; Michael Sesma; CityHall External Mail; PlanCode External Mailing; Angel Jones; Greg Ossont; Jud Ashman - External; SESMA@aol.com <SESMA@aol.com>; cathy@drzyzgula.org <cathy@drzyzgula.org>; Henry Marraffa - External; ryan@ryanspiegel.com <ryan@ryanspiegel.com>
Subject: The MTA CCT Presentation, the Kentlands and Crown Farm Alignments and the Draft Transportation Element

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Accordingly, I am respectfully suggesting that you instruct staff to slightly modify the language of the draft Transportation Element, the adoption resolution, and other related documents to more emphatically state the City's strong preference for the Kentlands and Crown Farm alternative alignments

Thank you.

Sincerely,
Richard L. Arkin
121 Selby Street
Gaithersburg, MD 20878

P.S.: In other respects, as I have stated previously, I support adoption of the Transportation Element as proposed.



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From: [Spiegel, Ryan S.](#)
To: ["Rick Kiegel"](#)
Cc: [Rob Robinson](#)
Subject: RE: CCT - Gaithersburg's locally preferred alternative
Date: Tuesday, July 20, 2010 4:03:57 PM

Thanks very much for the prompt response. Here again, I think it's fair to say that under the circumstances of new ridership and cost-effectiveness numbers, the city does favor LIGHT RAIL (but was willing to support BRT in 2009 when it looked like LRT could not qualify or be competitive). So if you indicated at the meeting that the City favors LRT, that is accurate. ***I do not want our previous willingness to support BRT in light of old ridership and cost-effectiveness numbers to be mistaken as a preference for BRT over rail. But I am glad you are working with City staff on these issues.

No need for a "mea culpa" but I just want to make sure our positions are clear. Again, thanks so much, and we look forward to moving into the next stages of CCT planning and development with you.

Regards,
Ryan

From: Rick Kiegel [mailto:RKiegel@mta.maryland.gov]
Sent: Tuesday, July 20, 2010 3:55 PM
To: Spiegel, Ryan S.
Cc: Rob Robinson
Subject: RE: CCT - Gaithersburg's locally preferred alternative

Ryan,

Thank you for the email. I am in communication with City staff (Rob Robinson) on this matter and am seeking to clarify some misunderstandings.

First, I erroneously indicated at the meeting that the City favors LRT over BRT. I forgot that the Mayor and Council indicated its preference for BRT under the conditions you reiterated. If requested, I am happy to provide a mea culpa to those in attendance.

On the matter of the City's alignment preference, I believe the resident misunderstood what I said. I know that the City prefers alignment changes for the Crown Farm and Kentlands areas. In fact, that's why the City requested MTA to study them.

MTA appreciates the support we've received from the City of Gaithersburg and will continue to work with staff to ensure that the project can progress as smoothly as possible. Thank you again.

Rick Kiegel
CCT Project Manager
410-767-1380

From: Spiegel, Ryan S. [mailto:RSpiegel@winston.com]
Sent: Tuesday, July 20, 2010 1:28 PM
To: Rick Kiegel
Subject: CCT - Gaithersburg's locally preferred alternative

Rick,

The City Council of Gaithersburg has recently heard from a resident who is concerned

that the State does not have an accurate picture of the City's preferences for the CCT, based apparently on some impressions the resident developed during your recent public outreach meeting at the Lakelands community.

Lest there be any confusion, please let me restate unequivocally that the City strongly supports the alternative alignment for Crown Farm and Kentlands. I respectfully refer you to several letters and resolutions that we issued in 2009, which reflect our consistent and strong support for this realignment. The City is also about to approve a new Transportation Element for our Master Plan, which repeatedly acknowledges our strong support for the Crown Farm/Kentlands realignment.

As for the choice of mode, our position is slightly more nuanced. We certainly prefer LRT. But back in 2009 when it seemed that LRT simply could not meet the federal cost-effectiveness standards, we indicated that we'd rather have BRT than nothing, and we were willing to support a BRT proposal if an LRT proposal would have been rejected outright. However, with the passage of the Great Seneca Science Corridor Master Plan (formerly the Gaithersburg West Master Plan) by the Montgomery County Council, and with new ridership numbers from this as well as the Crown Farm/Kentlands realignment, it is my understanding that LRT has now become cost-effective enough to meet the federal threshold (though obviously not as cost-effective as BRT). As we explained in our previous letters, "Should there be a change in the applicable formulas, available federal resources, or data relied upon (such as ridership, planned densities, etc.), the City would support light rail as the most desirable and efficient mode for the CCT." It seems that there has indeed been such a change, and as a result, our first choice is LRT.

I should add the disclaimer that I am making a good faith effort here to represent the views of the entire City leadership, but I have not run this email past the other members of the Mayor & Council, and I cannot claim with certainty that all my colleagues would agree with the precise characterizations that I have made here with respect to the preferred mode. But our prior letters should speak for themselves.

If you are unclear on any of our positions as to the locally preferred alternatives for mode or alignment, I urge you to follow up with us so that there is no confusion as to the City's position as we move forward on the CCT.

Thank you very much,

Council Member Ryan Spiegel
Gaithersburg City Council

Ryan S. Spiegel

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

D: +1 (202) 282-5739

F: +1 (202) 282-5100

rspiegel@winston.com

[Bio](#) | [VCard](#) | www.winston.com

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& STRAWN
LLP

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