



RUSTIC ROADS ADVISORY COMMITTEE



TESTIMONY OF RUSTIC ROADS ADVISORY COMMITTEE PUBLIC HEARING on RUSTIC ROADS FUNCTIONAL MASTER PLAN NOVEMBER 17, 2022

INTRODUCTION

Chairman Zyontz and Planning Board Commissioners, I am Laura Van Etten, farmer-member and Chair of the Rustic Roads Advisory Committee, and I am testifying tonight on behalf of the Committee.

This Draft Master Plan correctly states that “The Rustic Roads Advisory Committee is a County Executive agency group that has a special role in overseeing the Rustic Roads Program.” Per County Code, we advise you, the County Executive and the County Council. We are 7 unpaid volunteer members who put in an overwhelming number of hours to carry out our duties. The hours of work were quite multiplied while we helped with this Plan. We on the Committee drove most of the roads in the program and all the nominated roads, writing Traveling Experiences, suggesting Significant Features, and making corrections where necessary. It was to the point that Planning Staff would attend our meetings and say, only half joking, “Now get out there and do our job for us.”

We prepare all our own meeting agendas, do all our own research, write our own letters, statements, testimony, and all other documents, and often provide minutes of meetings. We hold on-site meetings on the roads with development Applicants for the Planning Department’s Development Review process, we research the drawings and materials on the DAIC website, and we hear from the Applicants at our meetings, vote, and write our own letters giving our input on Subdivision plans and Conditional Use plans. We hold on-site meetings on the roads with MCDOT maintenance crews in order to develop our advisory recommendations for their maintenance activities. To my knowledge, this is unlike other County Committees where paid County staff do all the work.

We have asked to increase our membership by two at-large members and for other membership changes, both to help with this workload, but also to help us try to meet the County’s Racial Equity and Social Justice goals. Planning staff indicated that this Master Plan would address this issue; therefore, we ask that our views be included. This is fully discussed later in the testimony.

We recommend a technical clarification to the Draft Plan where the language states MCDOT provides staff, offices and supplies. The statute actually states that the Chief Administrative Officer will provide those things. So, at the request of our County Executive, we have an MCDOT staffer providing us with what is called “coordination,” meaning that person sets up our Zooms, serves as a point of contact for the Committee, and often can provide technical information.

We request that the Draft Plan be corrected where it inaccurately lumps us in with other groups who are “Stakeholders.” We are not Stakeholders. We “oversee and promote” the program as mentioned earlier in the Draft.

Promotional and educational videos

As part of our promotional activities, we have 2 videos about our roads. One by Heritage Montgomery, and features one of our Civic Association members, Robert Wilbur. The other, a 17-minute YouTube phenomenon, was done by our other Civic Association member, Barbara Hoover. It took a lot of work and was done at no expense to the County: it's a PPT set to music with a voice-over. I hope you were able to watch both of these.

Logo design

Our logo was designed by a resident of Batchellors Forest Road, and neighbor of our former Chair, Bob Tworkowski. It was done for free. It now appears on our letterhead and on the Brown Street Name Signs. Time for a quick Show and Tell. Here is a brochure the Committee did, which I print out at home with my own paper and my own printer ink. We designed a bumper sticker, which we either give away or sell at cost, \$1 each. We designed a cap, which we either give away or sell at cost, \$10 each. We create and order these items on our own time and at our own expense.

Public outreach at events

We have a County-provided tent, banner, and two table covers which we use to promote the program at events. We also have photo-boards and easels designed by our former Planning Board member, and which were recently reproduced by MCDOT for us.

SPECIFICS OF THIS DRAFT PLAN

The Draft Master Plan does an excellent job of drawing the time line between the protection of land and farmland, the creation of the Ag Reserve, and the realization that in lower-density areas, the paving and widening and standardizing of local roads was unnecessary and only led to increased traffic speeds and cut-through commuting. One-lane bridges, like the one on the cover of this Plan, also the amazing bridge in the Glen in Potomac, and others were in danger of being lost to standardization. The one-lane bridge on Glen Road was actually the rallying cry that led to the Rustic Roads program. In response to residents' concerns, a 1989 Task Force led to a 1993 law creating the Program, and a Citizens Advisory Committee for the 1996 Master Plan were instrumental in establishing this program.

Our Rustic Roads are identified as assets by Heritage Montgomery, with whom we partner to educate the community and promote the program. Preservation of these roads, their bridges and roadside features is hugely important for the tourism and promotional aspects of Heritage Montgomery's mission. We are proud to be contributing to the \$376 million of annual Heritage Tourism spending in the County. We support the Planning Staff's recommendation that we continue to partner with Heritage Montgomery as they update their Heritage Area Interpretive Plan to include highlighting our rustic roads.

The Committee supports the expanded individual road descriptions, histories and the fantastic new maps in this Master Plan. The new maps for individual roads in the Master Plan are very attractive, but some of the photographs in the Draft Plan are less so; the Committee offers to work with staff to identify better, more attractive photos to use. In addition, there are historic road plats staff has found that are often beautiful hand drawings that include information; we would like to work with staff to incorporate some of these images.

We especially support the Plan's recommendation to reevaluate the county's historically Black rural communities to identify rustic roads with historic and cultural significance tied to African American settlements.

We thank the Planning staff for the inclusion of many important Significant Features in the Road Profiles, including bridges and roadside trees and hedgerows. We ask that these remain in the Plan, and that some others be added that are on a list we have submitted along with our Testimony.

In the section entitled *Road Widths*, we support the Draft in recommending “Continue to maintain narrow road widths and narrow bridges that encourage slower speeds and thus increase safety as users travel along rustic roads....”

In the section called *Drainage*, we support the language but ask that it be improved from the current sentence, “The way drainage is handled on these roads is one of their most distinguishing features....” to state that this is the “single, most distinctive feature of the character” of the roads, which is the language from the 1996 Master Plan.

WHAT NEEDS WORK IN THE MASTER PLAN

Master Plan appendices are not part of an approved and adopted master plan. The actual road profiles must be part of the approved and adopted Master Plan in order to be enforced and implemented. If it is necessary to break up the document due to its size, the road profiles should be Volume 2 of the Master Plan.

IMPLEMENTATION: Context

In the very first section of the Implementation Chapter called ‘Context’ this Draft gets off on the wrong foot by saying “Part of the attraction of rustic roads is that each one is unique. But this makes it difficult to have a “one size fits all” approach to their preservation and maintenance that always makes sense for all roads.” The purpose of this program is to preserve unique and interesting local roads which have significant features distinguishing them from other County roads. The designated roads are not intended to have a “one size fits all” approach to anything. We recommend deletion of this sentence.

IMPLEMENTATION: Rustic Roads Advisory Committee

Staff language regarding the duties of the Committee says that, “The Committee also reviews applications along and within the rights-of-way of rustic roads.” In fact, under Ch. 50, of County Code, Subdivision of Land, we review applications for possible effects to the roads both within the rights-of-way and for affected features like views, vistas and scenic easements; we then provide you with our advice. This is how we interact with you, the Planning Board, during the Development Review process. We would like a reference to these requirements from Ch. 50 added to the Master Plan.

RECOMMENDATIONS: Stakeholder Meetings

In this recommendation the Committee is referred to as a “stakeholder.” In fact, as noted above, the Committee “oversees and promotes” the program. Stakeholders are other interested parties and users of the roads. We request a change to the Master Plan to reflect this.

The Draft recommends that the Montgomery County Department of Transportation (MCDOT), and the Montgomery County Office of Agriculture (OAG), as well as other interested parties, should consider meeting “quarterly or biannually.” Our Committee is subject to the Maryland Open Meetings Act. In order to comply with it, MCDOT and OAG should be added to one of our regularly scheduled meetings on an as-needed basis, with their topics and attendance noted on the agenda that is publicly posted in advance. We note that staff from neither office contacted our Committee to discuss or coordinate on this Master Plan.

Regarding MCDOT, I think it's important to clarify the relationship between our Committee and MCDOT. We are not part of MCDOT. The Rustic Road Code section is in Ch. 49 because we are a "roads" program, and we work extensively and cooperatively with MCDOT on preserving and maintaining the rustic roads. As Dr. Glenn Orlin, consultant to the County Council once described it, we are an historic preservation program for roads. Under Code, we advise on regulations, policies and programs that may affect the rustic roads. And as mentioned, we report directly to you, the Executive and the Council. MCDOT does not speak for us.

For this Master Plan, we recommend that anyone from MCDOT who wishes to attend a meeting do so. Because of the Open Meetings Act, we only make decisions and take votes during public meetings. We frequently see MCDOT project managers both on-site and at our meetings when they are seeking our input. We would like the Master Plan to reflect that no change to this current practice is necessary except to urge MCDOT to attend our meetings if they have policy differences with the Committee so those may be discussed.

RECOMMENDATIONS: Maintenance and Improvements

The Committee would like the full language from COMCOR 49.79.01.04 to be added to the Master Plan, rather than the single sentence in the Plan now, which is only a small part of the maintenance requirement. We recommend including "A rustic or exceptional rustic road will receive the level of maintenance as necessary to assure its continued viability as a transportation facility and to allow for safe travel by motorized vehicles, and agricultural equipment." And, "The rustic or exceptional rustic road classification will not exclude roads from regular maintenance." We suggest that this stronger language be substituted into the Master Plan. In general, maintenance complaints are operational issues that do not belong in a Master Plan and we recommend removing them.

Roadside Vegetation

The Draft contains general language stating that "Overhanging vegetation over roads can cause damage to school buses, fire trucks, and other large vehicles. It may cause hazardous conditions for other users because overhanging limbs have been weakened by getting hit or may hang lower when wet or covered in snow. Rustic roads need to be safe for all users traveling along their rights-of-way." This statement applies to all roads and has no place being called out as though it were a rustic roads problem, and we request that it be so clarified in the Master Plan.

In their Recommendation regarding this, staff states "Ensure that overhead vegetation hangs no lower than 17 feet above the road surface for any road used to move agricultural equipment...." We do not know where the height of 17 feet came from but it is not consistent with any existing law, regulation or guidelines. In the MCDOT – RRAC Tree Trimming Guidelines established in early 2021 to address these issues, we call for trimming up to 18 feet. The intent is to ensure that the trimming would last for three years. We recommend that the Master Plan refer to the Tree Trimming Guidelines and that those be posted on the Rustic Roads website maintained by the Planning Department.

Road Surfaces

In this section, the Draft language complains about potholes, at least this time acknowledging that it is not a rustic roads problem. However, the odd description of something they call a washboard effect really has no place in a Master Plan. Again, these are operational issues that do not belong in a Master Plan. They should be removed.

In the Recommendations section, staff writes that “best practices” should be used on special road surfaces such as our concrete center strip Politicians Roads and our few remaining gravel roads. We agree with this. We ask that the Master Plan specifically call out the Penn State University program for Environmentally Sensitive Roads, which has a highly regarded training process for maintaining gravel roads. Some MCDOT staffers and RRAC members have taken this training and found it to be highly valuable, especially for maintenance, drainage and dust suppressant issues.

Bridges

The Draft correctly states that “Historic bridges identified as significant features in this plan need to be preserved.” In the recommendations, we ask that instead of the word “reconstruct,” when referring to an historic bridge, that the words “preserve and rehabilitate” be used. We ask that the specific definitions used by the Secretary of the Interior for preservation, rehabilitation, restoration and reconstruction be included in the Master Plan, perhaps in a side-bar. Historic resources such as certain bridges over 50 years old and designated historic roads should be preserved and rehabilitated. To assure the standing of the list and for the reader's ease of use, we ask that the appendix list of roads with bridges as significant features be moved into the bridge section of the Master Plan.

We appreciate that the Draft encourages MCDOT and SHA to pursue design exceptions that will provide federal funding for rehabilitation or replacement of historic and one-lane bridges. The State guidance has been based on policy decisions made by the outgoing Governor’s Administration and is subject to change under a new Administration. The reference to guidance should be replaced by a reference to Federal guidance. We understand that funding for historic bridges is included in the recent Federal infrastructure legislation. We request that MCDOT be asked to engage an engineer with historic preservation experience to lead these projects.

RECOMMENDATIONS: Traffic Calming

The first paragraph in this section seems to be an indictment of the Rustic Roads Program. In fact, speeding is a County-wide problem, as we all know from Vision Zero efforts. We request that this section be rewritten to reflect that this is a County-wide problem.

Our Committee recently proposed a change to Code setting the maximum target speed for rustic and exceptional rustic roads at 30 miles per hour. We were successful and Council adopted that change on Nov. 7. We would like the Master Plan to mention this accomplishment. Similarly, the Committee was successful in getting a change to Code to allow the use of speed humps where appropriate on rustic roads. Up until our intervention, speed humps were only allowed on roads designated residential. We would like the Master Plan to mention this accomplishment.

EQUITY

We have never had a voting member of color on this Committee

We recently proposed the addition of two members, taking us from 7 to 9 voting members. This would greatly help to reduce the extremely large number of volunteer hours members are currently putting in. In doing so, we hope to broaden representation on the Committee in accordance with the Council's Racial Equity and Social Justice efforts. We recommend that these members be considered “at-large,” and language regarding the membership qualifications be stated as “representing the geographical, social, economic, recreational and cultural concerns of the residents of the County.”

This would mean that in addition to the current narrow membership categories of 3 farmers, 2 civic association representatives, a roadway advisor and a preservation advisor, the Committee could draw

from a broad group of other users of these roads who have different perspectives and bring fresh insight into the program. Residents in locations where there are no civic associations who use and appreciate the rustic roads could provide a great deal of support in providing advice, going to site visits, and drafting documents. Residents who have historic Black churches on these roads may wish to be involved as the County is developing in-depth Heritage trails to tell the story of Black history and culture. Other examples would include bicyclists, people who come on the roads to boat, kayak, hike or fish, or someone with expertise in tourism sites like the C&O Canal or historic sites along the roads who can help promote the tourism uses of the roads.

Remove restrictive income rules for farmers to serve on RRAC

We request that the words “earning 50 percent or more of their income from farming” be deleted from the requirement for farmer members of the Committee. The Committee does not have financial disclosure requirements for membership, and this provision discourages membership from a broad range of farmers. The Committee does not issue permits or levy fines like some other boards and commissions (for example, the Historic Preservation Commission). Therefore, having an income test without requiring any submission of financial disclosure is not necessary or useful. In addition, while the Committee did not address the current Code language calling for farmers to be owner-operators of commercial farmland, it has been pointed out to us by Council staff that many immigrant farmers lease land under the MCA program called Land-Link.

There has never been a Black or Hispanic farmer on the Committee

Agriculture in Montgomery County is changing -- we are seeing table crops, farm markets, wineries and breweries, and immigrant farmers growing food from their homelands. Our Committee wants to support and reflect these expanded farm uses. The current income test favors long-established commodities farmers. Our goal is to be able to attract a diverse group of farmers, particularly drawing from the growing pool of immigrant farmers who are not traditional farmers and who grow vegetables for the ethnic market. Agricultural land is expensive in this County. It is nearly impossible to raise a family and pay a mortgage solely on the income from selling vegetables through CSAs and farmers markets. Therefore, these farmers must have another income source. They represent an important component of farming today and these farmers should be eligible for our membership. They would better reflect the diverse makeup of the County population and our rustic roads users.

We ask that if language about Committee membership is included in the Plan, that our view be included in the Equity section, describing the lack of diversity that has resulted from the Committee’s current membership requirements, and that the Implementation chapter recommend the changes above.

ACKNOWLEDGEMENTS

I want to thank Gwen Wright, who was a major force behind this program from its very beginning when she was appointed to the 1989 Task Force that recommended that this program be created. Director Wright was the person at the Planning Department with the deepest understanding of our program, and was and is a strong supporter of the program. Her legacy lives on in this Master Plan.

CONCLUSION

Rustic Roads are important economic assets to the County, contributing to the \$376 million of annual Heritage Tourism spending. They are valuable to quality of life for residents and visitors. Rustic Roads provide access to many types of recreation. The Rustic Roads Advisory Committee has worked very hard to ensure that this valuable program works well and works for all users of our roads.

Thank you for hearing our position and our concerns with this Draft. We may hear comments this evening we have been unable to address, and therefore we ask that the Hearing Record be kept open until 5 pm on Monday, November 21 so that we may address any additional concerns. We are available to provide additional information and answer questions. Please contact us through our Staff Coordinator Darcy Buckley at Darcy.Buckley@montgomerycountymd.gov.

We wish to incorporate by reference the Tree Trimming Guidelines, a list of Additional Recommendations for the Master Plan, a briefing paper on DBU Roads, and an Addendum on Maintenance as part of the Hearing Record.

Committee Members:

Laura Van Etten, Chair

N. Anne Davies, Barbara Hoover, Charles Mess,
Kamran Sadeghi, Dan Seamans, Elena Shuvalov

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