

January 8, 2008

The Honorable John D. Porcari
Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076

Re: Noise wall for Bethesda Place Community

Dear Mr. Secretary:

I am writing to urge you and the Department to help a neighborhood in distress.

At one of my community forums this Fall, I was approached by Ms. Frosso Malavakis, President of the Bethesda Place Community Association about the high level of traffic noise experienced by her community members every day. Bethesda Place is located next to the Democracy Boulevard eastbound ramp for I 270 N and along Greentree Road between I-270 and I-495. Although noise barrier walls were constructed adjacent to the other three ramps onto I-270 at this location, no such barriers were placed next to Bethesda Place. The lack of a noise barrier wall has resulted in years of increasing noise levels for these residents and has left them with a significantly lower quality of life and significantly decreased property values. Recently, at their request, I went to visit their neighborhood and listened to the traffic noise from their yards, decks and interiors of their homes. The volume was tremendous and completely unacceptable.

These issues for the Bethesda Place community are not new. Over the past twenty years it has been impacted by multiple state highway projects. When their community was constructed in 1978, the I-270 spur was a 4-lane divided highway, with a one-lane ramp to Democracy Blvd. Of course, since then, I-270 has been expanded to 6-lanes (3 in each direction), and the recent interchange project at Democracy Blvd. widened the ramp nearest the community from one lane to four lanes at its terminus at Democracy Blvd. The interchange project also eliminated another loop ramp and now channels all of the traffic exiting I-270 North onto the ramps that are closest to Bethesda Place. These projects have materially increased the traffic noise in this community.

The State Highway Administration's analysis of noise impacts suggests that the impacts of these projects do not result in a 3 decibel increase in noise, which is a criterion SHA uses for noise barriers. However, SHA's analysis takes a very narrow view point on noise levels, based on modeling of peak operating conditions. It does not take into account increases in noise at night or in the evening or weekend periods, when people are most likely to be disturbed by noise affecting their sleep or ability to use their yards. It does not take into account the increased duration of high noise levels. It does not account for the fact that additional traffic in close proximity to the Bethesda Place homes near the ramp has a much more noticeable impact on people, since they can see and hear each car as it zooms by and decelerates particularly trucks, SUVs, and buses. This creates a more

annoying form of noise than the constant hum of traffic along a highway at a greater distance and has a significant detrimental effect on the quality of life for those who must endure it

In many ways, it seems that the Bethesda Place community has fallen through the cracks of the state systems that are supposed to protect citizens from significant increases in traffic noise. The Greentree Road section of the Bethesda Place community backs directly onto I-270. It experienced a large noise increase when I-270 was widened by two additional lanes in the early 1990s. According to the records I have seen, the widening of I-270 by two lanes was expected to result in an increase noise level of 1 to 3 decibels (by year 2010) for Bethesda Place. At that time, the State required a 5 decibel increase in order to build a noise wall. The residents of Bethesda Place believe that there was at least a 3 decibel increase at that time in their noise levels, and since this is the current standard for a noise wall, they feel they should be given one. However, the SHA has thus far refused to re-examine the noise levels for this part of the community. More than five years ago, the SHA stated that "the homes along the Greentree Road section of Bethesda Place were judged to be outside the limits of the proposed highway improvements [the more recent ramp/interchange project]." Therefore, noise impacts were not assessed for this part of the neighborhood in the most recent analysis, despite being considered during the initial environmental documents. It seems only reasonable to examine the Bethesda Place community as a whole in order to determine whether or not these residents are suffering noise levels that are deemed unacceptable in our state.

In fact, I am attaching the results of a sound study conducted on November 26, 2007 by a Certified Occupational Hearing Conservationist at three different addresses along Greentree Road and within Bethesda Place. This analysis shows extremely high current decibel levels that really must be addressed, regardless of any technical rules that have been cited throughout the years and that have avoided responsibility for the cumulative noise increases.

Whatever criteria have or have not been met by the noise increases at Bethesda Place for each of the significant construction projects along their neighborhood, the current, unacceptable noise levels must be addressed. It appears that SHA has applied its noise policy rigidly, continually citing its past noise analysis as a reason for not approving noise barriers for Bethesda Place. However, the Federal Highway Administration's (FHWA) noise policy encourages flexibility in applying noise criteria. I believe that due to the unique circumstances of the ramp project, particularly the more noticeable and annoying impacts of noise on the ramp, noise barriers should be added for this community. Bethesda Place has gone through a formal appeal for noise barriers with the SHA, and the response they received from Administrator Neil Pedersen clearly put the question of how flexible the policy should be at the responsibility of the state legislature. As to the matter of funding constraints, Administrator Neil Pedersen stated:

We recognize that FHWA's policy encourages flexibility, and we believe that our policy is flexible. The current policy was developed with the guidance of a panel of Maryland

legislators who felt that, while it was important to provide flexibility, it was even more important to establish boundaries for the policy that would result in an affordable program. While our policy uses the words 'could be considered' with regard to the 3-decibel increase, in practice we have always applied this as a criterion that must be met. [Pederson 1-22-04 letter attached hereto]

Aside from the 3 decibel criteria continually cited by the SHA, the Bethesda Place community meets all other criteria for noise barriers, including the cost-effectiveness criteria, since the noise barriers would benefit a large number of homes in comparison to their cost. There have been a number of other neighborhoods in the area that have received noise barriers in cases where the walls benefit far fewer homes.

Finally, according to the relevant Montgomery County Master Plan document, the "1992 Approved and Adopted North Bethesda/Garrett Park Master Plan" (December 1992, amended November 1994 and June 1997, p. 253), "Noise attenuation walls should be provided at locations where existing residences will be subjected to high noise levels when the I-270 spurs are widened." Unfortunately, the SHA's position is that county planning documents are not binding on the SHA. Still, people moving into this community who reviewed the planning documents would have anticipated that noise walls would have been built. Therefore, it is unfair to expect that people buying homes there should have known they would be living near this level of noise.

Based on all these considerations, I urge you, on behalf of the Bethesda Place community, to ensure that the Maryland Department of Transportation builds noise barriers for this community. I appreciate your attention to this matter, and I look forward to working together towards finding a solution.

Sincerely,

Roger Berliner

cc: Senator Brian Frosh
Delegate William Bronrott
Delegate William Frick
Delegate Susan Lee

SENATOR BRIAN E. FROSH
DELEGATE WILLIAM A. BRONROTT
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THE MARYLAND GENERAL ASSEMBLY
16TH LEGISLATIVE DISTRICT
MONTGOMERY COUNTY

January 11, 2008

Ms Efrosini Malavakis
7344 Greentree Road
Bethesda, MD 20817

Dear Ms Malavakis:

We understand that the Bethesda Place Community Association has contacted Councilmember Berliner regarding noise abatement matters. We have written to MDOT Secretary Porcari and urged him to seriously consider Mr. Berliner's recommendations. We, too, agree that Beltway traffic noise is both annoying and harmful. A copy of that letter is enclosed for your information. We shall let you know his response as soon as we have one.

We appreciate learning the concerns and views of our constituents. If we can be of assistance in the future, please call on us.

Sincerely,

Brian E. Frosh *William A. Bronrott* *C. William Frick* *Susan C. Lee*
Brian E. Frosh William A. Bronrott C. William Frick Susan C. Lee

BEF/WAB/CWF/SCL/lcs
Enclosure

SENATOR BRIAN E. FROSH
DELEGATE WILLIAM A. BRONROTT
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THE MARYLAND GENERAL ASSEMBLY
16TH LEGISLATIVE DISTRICT
MONTGOMERY COUNTY

January 11, 2008

Mr. John Porcari
Secretary-MDOT
7201 Corporate Center Drive
Hanover, MD 21706

Dear John:

We have received the enclosed copy of correspondence to you from Councilmember Berliner regarding noise abatement for the Bethesda Place community. We respectfully ask that you consider the neighborhood's concerns and Councilmember Berliner's argumentation. Would you please look into this matter and provide us with a complete report.

We appreciate your assistance with this constituent concern. Best regards.

Sincerely,

Brian E. Frosh

William A. Bronrott

C. William Frick

Susan C. Lee

cc: The Honorable Roger Berliner
Ms Elfrosini Malavakis

BEF/WAB/CWF/SCL/lcs
Enclosure

**MONTGOMERY COUNTY COUNCILMEMBER****ROGER BERLINER**

*Efrosini & George Malavakis
7344 Greentree Road
Bethesda, MD 20817*

Dear Fro and George,

First, let me sincerely apologize for taking so long to get this expression of gratitude to you. While much has been going on in our county and in life generally, that does not excuse this delay.

I am truly honored that you lent your name, efforts, financial support and a great binder/organizer (and do I need organizing!) to my ongoing efforts on the Council. It is a great privilege to serve the County in this capacity, and getting to know you and your community has been wonderful.

My work on your behalf isn't done. You saw the letter we got from the Secretary and the support we have gotten from Senator Frosh. I also met recently with Delegate Bill Frick, and urged him to be in touch with you directly. Let me know if you don't hear from him.

Fro, you are the best. Really. I hope you get what your community clearly deserves. In you, they already have.

Thank you thank you thank you.

FRIENDS OF ROGER BERLINER

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