

October 15, 2018

Mr. Mark Stutzman
President
Engage Mountain Maryland
P.O. Box 81
Oakland MD 21550

Dear Mr. Stutzman:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) attended a town hall meeting in Mountain Lake Park on June 7, 2018, regarding the US 219 Oakland Bypass Project. The community asked several questions and raised many concerns that Engage Mountain Maryland forwarded to MDOT SHA. Please see below MDOT SHA's point-by-point responses to those questions and concerns.

Questions and Comments from Gloria Salazar

1. Question: Are there fiscal studies conducted in other (comparable) small towns prior to the construction of a bypass? If so, studies related to the financial impact on the local town? Both positive and negative.

MDOT SHA Response: The MDOT SHA is not currently aware of any local and/or recent fiscal studies associated with the construction of a bypass of other comparable small towns.

2. Question: What is the expected time frame for this proposed bypass?

MDOT SHA Response: The US 219 Oakland Bypass Project is currently funded for preliminary engineering activities only and is not funded for final design or construction and, therefore, there are currently no schedules for completion of other project phases.

3. Comment: Summer of 2017, local business in Oakland, experienced a 12 to 15% drop [in] sales revenue. This was due to major street renovations.

4. Question: What will the State do to support local businesses negatively affected by the proposed bypass, while the project is being completed?

MDOT SHA Response: The MDOT SHA will work closely with Garrett County local municipalities, elected officials, and local businesses to address concerns for project impacts before, during, and after construction. As MDOT SHA has done in other communities, and most recently in the Town of Hampstead, MDOT SHA will work together with local officials to determine the best strategies to mitigate construction-related interruptions and concerns for MDOT SHA projects.

Questions and Comments from Kevin Faley

1. Comment: Under the Long-Range Highway Program established by the General Assembly in the Transportation Provision of the Maryland Code, Sec. 8-612 sets out the steps that SHA must take in the Project Planning Program and Sec. 8-613 provides for the activities the SHA must undertake in the Construction Program.
2. Question: Is the Oakland Bypass Project currently considered to be in the Project Planning Program or the Construction Program?

MDOT SHA Response: The MDOT divides projects into the following three programs: 1) Construction Program, 2) Development and Evaluation Program, and 3) System Preservation Program. The US 219 Oakland Bypass Project is included in the Development and Evaluation Program.

Questions and Comments from Eric Robison

1. Question: Have funds under Title 23 of the United States code been allocated specifically for this project?

MDOT SHA Response: Prior to 2009, MDOT SHA programmed and spent federal funds under United States Code Title 23. In 2017, MDOT SHA programmed only State funds for preliminary engineering/project development activities.

2. Question: Have any Federal funds at all been allocated for this project specifically?

MDOT SHA Response: Please see answer to Question 1, above.

3. Question: Has the administration requested budget funding for all or part of this project? Please supply request(s).

MDOT SHA Response: Funding decisions are based, in part, on Garrett County's transportation priorities letter, developed by local staff and elected officials. In response to the County's priority letter, and as part of the annual budget submitted to the General Assembly, the MDOT SHA administration has requested funding for preliminary engineering only. The administration has not requested funding for final design or construction.

4. Question: Under Maryland Code, Transportation, Title 8–Highways, Subtitle 6–Constructing and Maintenance, Part II–Long Range Highways Programs, § 8-612. Project planning program; has SHA submitted to the local legislative delegation a list of items for which the initial phase of project planning has been completed? If so, please supply list.

MDOT SHA Response: The MDOT SHA recognizes and adheres to the requirements under the Maryland Code Transportation, Title 8–Highways, Subtitle 6–Constructing and Maintenance, Part II–Long Range Highways Programs, § 8-612 as part of the MDOT SHA planning process.

A copy of the letter dated October 13, 1998, from MDOT SHA to the Garrett County Commissioners, and the formal response from the Garrett County Commissioners dated October 27, 1998, are attached.

5. Question: Was the list provided to the municipalities in the county?

MDOT SHA Response: A copy of the original letter from MDOT SHA to the Garrett County Commissioners is attached, however, at this time we are unable to confirm if additional municipalities were sent this information. Further research of archived documents is needed to verify. Additional time will be needed to complete this research.

6. Question: Has the administration included this project in its annual budget requesting the funds required to implement the project planning? If so, please supply request and funding requirements.

MDOT SHA Response: The MDOT SHA has not requested additional project planning funds. The MDOT SHA completed planning and received the Federal Highway Administration's approval of the "US 219 Through Oakland–Finding of No Significant Impact" dated August 14, 2001. Currently, additional funds have been allocated for preliminary engineering only.

7. Question: Did the list contain, as to each item, information necessary for the local governing body and local legislative delegation to determine whether the project may advance to the final project planning phase? Please supply this information.

MDOT SHA Response: Please see response to Question 4 on the previous page (Eric Robison).

8. Question: Is this project defined within an Urban Area? (funding triggers)

MDOT SHA Response: The approved, selected alternative partly lies within the Mountain Lake Park, Maryland urban cluster as defined by the United States Census Bureau. An urban cluster is an area of sufficient density but with a population under the 50,000-person threshold classification as a census-defined urban area requires.

9. Question: Under Statute 8-616 the Secretary is required to file a status report of construction projects within the state. Please supply any report submitted on the Oakland By Pass project.

MDOT SHA Response: Each year, MDOT develops the Consolidated Transportation Program (CTP), the State's six-year program of transportation projects that notes past and future planned expenditures, as well as the status of studies and projects, including projects in construction. Past CTP reports are available for the public to view at http://www.mdot.maryland.gov/newMDOT/Planning/Plan_Programs_Reports/Programs/Previous_CTP_Index.html.

10. Question: Oakland Town Council President, Jay Moyer has stated that there has not been a major infrastructure project in Garrett County for fifty years. Could the State supply the mandated reports under State Statute 8-636?

MDOT SHA Response: Design and construction activities related to US 219 realignment between I-68/US 40 and Old Salisbury Road are currently underway. This project represents an investment of nearly \$52 million in Garrett County. More information regarding this project is available at MDOT SHA's project website, <http://apps.roads.maryland.gov/WebProjectLifeCycle/ProjectInformation.aspx?projectno=GA6465211>.

Please note that Maryland Transportation Code § 8-636 (2013) states that counties, not the State, "shall file with the Administration a complete report of each project constructed during the preceding fiscal year." This statute applies to county-sponsored projects and not to State-sponsored, e.g., MDOT SHA, projects.

11. Question: If the Town refused the money for this project, would SHA pull other funding for other projects in Oakland? Mr. Moyer stated this as fact.

MDOT SHA Response: This is an MDOT SHA project. The MDOT SHA is not sub-allocating funding to the Town of Oakland for this project; therefore, the question of withdrawing funds is not pertinent. Additionally, any decision to reallocate other funding towards projects in Oakland would be based, in part, on Garrett County's transportation priorities letter, developed by local staff and elected officials.

12. Question: Please show data sets used to determine that safety was a primary concern when developing this project. If there was a specific study, other than the data supplied to USDOT for their "Record of Decision" "US 219 Through Oakland; Finding of No Significant Impact." (Report No. FHWA-MD-99-03-F) [Dated and signed on 8/14/01]

MDOT SHA Response: The "US 219 Through Oakland—Finding of No Significant Impact" (dated August 14, 2001) document includes all studies and data sets associated with this project.

13. Question: Is this Administration aware of the nearly 900 signed petition voicing opposition to the Oakland bypass that was submitted during the SHA public meeting at Southern High School in 2006?

MDOT SHA Response: The MDOT SHA is aware that not all constituents support the US 219 Oakland Bypass Project.

Questions and Comments from Frank Shap

1. Question: What is the primary purpose/goal of the bypass? What SHA Missions does it address, such as providing safety, reducing traffic congestion, economic development, beautification, or protecting the environment?

MDOT SHA Response: The MDOT SHA currently is updating the MDOT Purpose and Need Statement for this project. This document will refine needs established in the August 14, 2001 "US 219 Through Oakland—Finding of No Significant Impact" document and will be used to evaluate the design's effectiveness at addressing these needs.

2. Question: Oakland's Town Council President said if there were a reversal of the decision to proceed by legislative request, would that jeopardize future transportation project funding?

MDOT SHA Response: No, a reversal would not jeopardize future transportation project funding.

3. Question: Will 3rd Street be returned to the town of Oakland for maintenance and snow removal?

MDOT SHA Response: At this time, no decisions have been made regarding maintenance and snow removal for existing US 219 (3rd Street)

4. Question: Would there be more passive measures that could resolve traffic issues without the Bypass such as timed/intuitive traffic lights, evaluating one-way traffic patterns, eliminating 3rd Street parking, etc.?

MDOT SHA Response: The MDOT SHA is currently updating traffic data in the Oakland/Mountain Lake Park area to determine transportation strategies and solutions that address current needs. Multiple alternatives will be considered when determining how best to address local transportation issues.

5. Question: Who is the decision maker on whether the Bypass project is approved?

MDOT SHA Response: The MDOT Secretary's Consolidated Transportation Program (CTP), the State's six-year program of transportation projects, guides MDOT's project development process. The CTP is updated annually to reflect transportation priorities and needs communicated to the Secretary of Transportation by elected officials via counties' transportation priorities letters, and other means. Each year, the General Assembly approves the CTP as part of the Governor's budget.

Questions and Comments from Mark Stutzman

1. Question: What would be the estimated construction schedule for completion including expected delays?

MDOT SHA Response: A construction schedule has not been developed at this time.

2. Question: The Town of Oakland renamed the project “Ninth Street Extended (truck route)”. Did this renaming come from SHA or Oakland? Would the state be designating Route 219 a truck route following the bypass completion?

MDOT SHA Response: It is not clear how the name "Ninth Street Extended" was developed. The State's draft FY 2019-2024 Consolidated Transportation Program (CTP), available for review at <http://www.mdot.maryland.gov/newMDOT/Planning/CTP/Index.html>, refers to the project as "US 219 Relocated, Oakland Bypass." During the design process, MDOT SHA will determine the functional roadway classification, including truck route designation.

3. Question: Can the state sell unused land purchases along the bypass to investors wishing to build commercial businesses along the bypass? Would the assessed land value, if placed on the market, be determined locally or by the state?

MDOT SHA Response: The MDOT SHA's Office of Real Estate (ORE) is responsible for all MDOT SHA real estate acquisitions and services, as well as other MDOT (and State) agencies. The MDOT SHA ORE is additionally responsible for disposing excess lands and valuating real estate in accordance with Maryland laws, policies, and regulations. For more information, please contact Mr. Olu Okunola, MDOT SHA Office of Real Estate Director, at 410-545-8754, toll-free 1-888-204-4245, or via email at ookunola@sha.state.md.us.

4. Question: Since this will be a state-owned road, who determines roadside advertising and lighted signs that may be used to direct traffic of the bypass? Garrett County has no zoning, however, the towns adjacent to the bypass have some signage guidelines in place.

MDOT SHA Response: The MDOT SHA's Statewide Outdoor Advertising Control Program ensures all off-premise outdoor advertising signs conform to all federal and State laws and are approved by the local jurisdiction. To learn more about the outdoor advertising regulations, please contact Mr. Steve Thomas, MDOT SHA Office of Real Estate Real Property Specialist, at 410-545-2819, toll-free 1-888-204-4245, or via email at sthomas3@sha.state.md.us.

5. Question: Have setbacks from residential homes been established in the previous bypass plan, and will 2018 standards be similar or the same?

MDOT SHA Response: The US 219 Oakland Bypass roadway was to be designated as "right-of-way of through highway," meaning no roadway access would be allowed except at the designed access points of Memorial Drive and Dennett Road. Any development occurring adjacent to an MDOT SHA roadway and outside of MDOT SHA right-of-way is subject to Garrett County's regulations regarding land use and development adjacent to MDOT SHA roadways. Each county establishes its own setback requirements in accordance to State regulations. For information regarding these requirements, please contact Deborah Carpenter, AICP, Garrett County Planning and Land Management Director, at 301-334-1924.

6. Question: Safety was a main focus in a 2017 meeting with the county commissioners to justify bypass construction. With the addition of up to 5 new intersections created the bypass, crossing commuter and pedestrian routes, what risk increases may occur?

MDOT SHA Response: The US 219 Oakland Bypass project proposed four intersections (northern and southern tie-ins at existing US 219, Memorial Drive, and Dennett Road) and an overpass at High Street. As part of all projects, MDOT SHA seeks to address safety concerns for all users, including motorists, bicyclists, and pedestrians. The MDOT SHA considered these concerns in the initial design stage (prior to 2009) and will continue to do so as part of the reinitiated preliminary engineering.

7. Question: Has a speed been recommended for the bypass route? Who has jurisdiction over the speed and if it needed to be changed, due to traffic incidents, what process would be required to reduce/increase the speed limit?

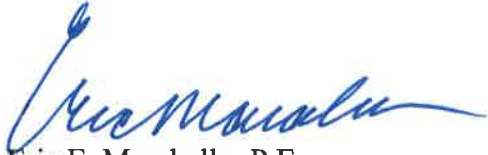
MDOT SHA Response: The planning study completed in 2001 noted that the posted speed limit was proposed to be 45 miles per hour (mph) from the northern tie-in with existing US 219 to Dennett Road, and 35 mph from Dennett Road to US 219 (Oak Street).

General inquiries regarding changes in posted speed limits can be sent to MDOT SHA's local District 6 office. Please contact Anthony Crawford, P.E., MDOT SHA District Engineer, at 301-729-8400, toll-free 1-800-760-7138, or via email at acrawford@sha.state.md.us.

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Thank you again for your inquiry. If you have additional questions or comments, please do not hesitate to contact Moreshwar B. Kulkarni, P.E., MDOT SHA Office of Highway Development Division Chief, at 410-545-8825, toll-free 1-888-228-5003, or via email at mkulkarni@sha.state.md.us. Mr. Kulkarni will be happy to assist you.

Sincerely,



Eric E. Marabello, P.E.
Director, Office of Highway Development

cc: The Honorable Peggy Jamison, Mayor, Town of Oakland
The Honorable Donald Sincell, Mayor, Town of Mountain Lake Park
Deborah Carpenter, AICP, Director, Garrett County Department of Planning and
Land Management
Anthony Crawford, P.E., District Engineer, MDOT SHA
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