



Committee: T&E

Committee Review: At a future date

Staff: Glenn Orlin, Senior Analyst

Purpose: To receive testimony – no vote expected

Keywords: #FY23-28CIP, US 29 Bus Rapid Transit

AGENDA ITEM #9

November 15, 2022

Public Hearing

SUBJECT

Supplemental Appropriation to the County Government's FY23 Capital Budget and Amendment to the FY23-28 Capital Improvements Program (CIP), \$9,500,000, Bus Rapid Transit: US 29 Phase 2 (Source of Funds: Development Impact Tax, State Aid)

EXPECTED ATTENDEES

None.

SUMMARY OF KEY DISCUSSION POINTS

This project will ultimately construct dedicated lanes for bus transit and, possibly, carpools and vanpools along the US 29 between Burtonsville and Downtown Silver Spring. The Department of Transportation has been studying two alternatives: one that would create one or two dedicated lanes in the median and the other to repurpose an existing lane in the peak traffic direction for buses and, perhaps, carpool and vanpools. The Council initially included another \$6 million in the Capital Improvements Program to fund the design of whichever alternative the Council selects. The State of Maryland has allocated an additional \$5 million for the project. However, this \$11 million has not yet been appropriated, and won't be until the Council selects the alternative to be designed. The Executive is requesting an appropriation of only \$9.5 million currently, which is the estimated cost to design the median alternative. The Executive anticipates making an explicit recommendation prior to the Council's public hearing.

The Council's Transportation and Environment Committee will hold its worksession on November 28 and the matter will go before the full Council for action on November 29.

This report contains:

Executive transmittal memorandum

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Draft adoption resolution (with CIP amendment)

© 3-5

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

October 21, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

Subject: Amendment to the FY23-28 Capital Improvement Program and Special
Appropriation #23-53 to the FY23 Capital Budget
Montgomery County Government
Department of Transportation
Bus Rapid Transit: US 29 Phase 2 (CIP No. 502201), \$9,500,000

I am recommending a special appropriation to the FY23 Capital Budget and an amendment to the FY23-28 Capital Improvements Program in the amount of \$9,500,000 for Bus Rapid Transit: US 29 Phase 2 (No. 502201). Appropriation for this project will permit work to continue on the next phase of the US 29 BRT.

This special appropriation is needed to spend previously approved funds in the FY23-28 CIP for US 29 Phase 2 that were not appropriated to advance the project through preliminary engineering. The recommended amendment is for technical reasons, which is consistent with the criteria for amending the CIP. The current appropriation is less than the approved funding level, funded planning, and analysis of alternatives. Upon selecting a preferred alternative by Council, the project can move into and complete preliminary engineering if these funds are appropriated.

I recommend that the County Council approve this special appropriation and amendment to the FY23-28 Capital Improvements Program and a special appropriation in the amount of \$9,500,000 and specify the source of funds as State aid and impact taxes.

I appreciate your prompt consideration of this action.

Amendment to the FY23-28 Capital Improvement Program and
Special Appropriation #23-53 to the FY23 Capital Budget
October 21, 2022
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ME:gn

Enclosure: Amendment to the FY23-28 Capital Improvement Program and Special
Appropriation #23-53

cc: Christopher Conklin, Director, Department of Transportation
Jennifer R. Bryant, Director, Office of Management and Budget

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY23-28 Capital Improvement Program and Special
Appropriation #23-53 to the FY23 Capital Budget
Montgomery County Government
Department of Transportation
Bus Rapid Transit: US 29 Phase 2 (CIP No. 502201), \$9,500,000

Background

1. Section 308 of the Montgomery County Charter provides that a special appropriation: (a) may be made at any time after public notice by news release; (b) must state that the special appropriation is necessary to meet an unforeseen disaster or other emergency or to act without delay in the public interest; (c) must specify the revenues necessary to finance it; and (d) must be approved by no fewer than six members of the Council.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Bus Rapid Transit: US 29 Phase 2	502201	Planning, Design and Supervision	\$4,500,000	Impact Taxes
		Planning, Design and Supervision	<u>\$5,000,000</u>	State Aid
		Total	<u>\$9,500,000</u>	

Special Appropriation #23-53 and Amendment to the FY23-28 Capital Improvements Program
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4. This special appropriation is needed to spend previously approved funds in the FY23-28 CIP for US 29 Phase 2 that were not appropriated to advance the project through preliminary engineering. The recommended amendment is for technical reasons which is consistent with the criteria for amending the CIP. The current appropriation is less than the approved funding level, funded planning and analysis of alternatives. Upon selection of a preferred alternative by Council, the project can move into and complete preliminary engineering if these funds are appropriated.
5. The County Executive recommends an amendment to the FY23-28 Capital Improvements Program and a special appropriation in the amount of \$9,500,000 and specifies the source of funds as State aid and impact taxes.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following actions:

1. The FY23-28 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Bus Rapid Transit: US 29 Phase 2	502201	Planning, Design and Supervision	\$4,500,000	Impact Taxes
		Planning, Design and Supervision	<u>\$5,000,000</u>	State Aid
		Total	<u>\$9,500,000</u>	

2. The County Council declares that this action is necessary to act without delay in the public interest, and that this appropriation is needed to allow this action to proceed.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council



Bus Rapid Transit: US 29-Phase 2 (P502201)

Category	Transportation	Date Last Modified	05/03/22
SubCategory	Mass Transit (MCG)	Administering Agency	Transportation
Planning Area	Kemp Mill-Four Corners and Vicinity	Status	Preliminary Design Stage

Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	11,250	-	250	11,000	6,000	5,000	-	-	-	-	-
TOTAL EXPENDITURES	11,250	-	250	11,000	6,000	5,000	-	-	-	-	-

FUNDING SCHEDULE (\$000s)

Impact Tax	6,250	-	250	6,000	4,500	1,500	-	-	-	-	-
State Aid	5,000	-	-	5,000	1,500	3,500	-	-	-	-	-
TOTAL FUNDING SOURCES	11,250	-	250	11,000	6,000	5,000	-	-	-	-	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 23 Request	-	Year First Appropriation	FY22
Appropriation FY 24 Request	-	Last FY's Cost Estimate	6,250
Supplemental Appropriation Request	9,500		
Cumulative Appropriation	250		
Expenditure / Encumbrances	-		
Unencumbered Balance	250		

PROJECT DESCRIPTION

This project will design and implement more dedicated lanes for transit and/or High Occupancy Vehicles (HOV) along the US 29 corridor to improve travel time and reliability. The project will also include improvements at identified "hot spot" locations to improve overall traffic operations along the US 29 corridor.

LOCATION

Master plans: Silver Spring, North and West Silver Spring, Four Corners, White Oak, White Oak Science Gateway, and Fairland. Route US 29 from Burtonsville to downtown Silver Spring.

ESTIMATED SCHEDULE

Preliminary engineering will begin in FY23 and will be completed in FY24.

COST CHANGE

Cost increase to address design cost increases anticipated with the additional alternatives being studied. Additional funding will also allow the project to advance further through design and prepare the project for construction.

PROJECT JUSTIFICATION

This project will complement the investment in US 29 Flash and improve transit, carpool, and overall corridor travel time and reliability, performance, and person throughput from MD 198 to the Silver Spring Transit Center. These efforts will support master plan non-auto-drive mode share (NADMS) goals. The project supports the following countywide vision goals: Easier Commutes and a Growing Economy. Approved land use plans in the corridor recommend the implementation of transit lanes along with US 29 Flash. The project is consistent with the Countywide Transit Corridors Functional Master Plan.

FISCAL NOTE

State aid reflects State grants for capital projects in Montgomery County programmed or preauthorized during the 2022 State General Assembly Session. FY23 supplemental in Impact Tax for the amount of \$4,500,000, State Aid for the amount of \$5,000,000.

DISCLOSURES

A pedestrian impact analysis will be performed during design or is in progress. The County Executive asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Maryland Department of Transportation, Washington Metropolitan Area Transit Authority, Maryland-National Capital Park and Planning Commission