



Mary Flynn, *Mayor*
Barney Rush, *Vice Mayor*
Cecily Baskir, *Secretary*
Scott Fosler, *Treasurer*
Joel Rubin, *Community Liaison*

September 3, 2017

Robert Chappell, CEO/Project Manager
Purple Line Transit Partners
6811 Kenilworth Avenue
Riverdale, MD 20737

Mitchell Lester, President/Project Manager
Purple Line Transit Constructors
6811 Kenilworth Avenue
Riverdale, MD 20737

Peter K. Rahn, Secretary
Maryland Department of Transportation
P.O. Box 548
7201 Corporate Center Drive
Hanover, MD 21076

Eric R. Backes
6 Saint Paul Street
William Donald Schaefer Tower
22nd Floor
Baltimore MD 21202

RE: Trail closure notification and permit notices

Dear Sirs:

I write to ask that Purple Line Transit Partners and Purple Line Transit Constructors **fulfill the terms of the P3 contract** prior to shutting down the Georgetown Branch of the Capital Crescent Trail to commence construction activities.

Contractual obligations that have not been met include:

- **“Written notification** of commencement of work in an area a maximum of 60 days but **not less than 30 days in advance** of the operation or activity.” Reference: MTA - Purple Line - Technical Provisions Book 2 - Part 2 - Execution Version.pdf, 13.4 Public Notifications and Exhibit 13.1:
- Public notice of issuance of the three permits requested under the Joint Permit Application, and the Application to Appropriate and Use Waters of the State for the Purple Line Project Area: Bethesda Shaft (MO2016G004/01).

By way of this letter, the Town of Chevy Chase also officially requests the Records of Decision for the four permits listed above under the Public Private Partnership Agreement Purple Line Project, Section 23.3 Public Information Act, and Md. Code, GP Art. Sec. 4-101(i); MPIA Manual (14th Ed., Oct. 2015, p. 1-6). We do not consider Records of Decision for these permits difficult or laborious to obtain and therefore do not consent to an extension, but rather anticipate delivery of official documents in electronic PDF format within the allowable 10-day period and no expense.

I also feel compelled to offer some on-the-ground observations. None of the government authorities we spoke to at the municipal, county or state level were properly noticed, nor principals of B-CC High School, Westland Middle School, and Silver Creek Middle School, all of whom have students who use the trail as the safest and most convenient way to get to school. We are scrambling trying to communicate safe routes to school at a time when many families are enjoying the last bit of summer vacation. Coinciding the trail closure with the first day of school without proper written notification is thus creating dangerous situations, not mitigating them.

As a private, for-profit business, it's understandable that PLTP and PLTC would want to commence construction now that the Record of Decision for the Purple Line Project is reinstated, the Full Funding Grant Agreement has been signed, and bird nesting season has concluded until February or March of 2018. However, we're hearing from residents that the rush to close the trail and take down the trees is a political maneuver meant to defeat the private federal lawsuit by *fait accompli*. Please let this not be the case, and do right by the people of Maryland who have an immense financial interest in this public works project.

Please respond as soon as possible to acknowledge receipt of the enclosed Public Information Act requests and your intention to stay or postpone closure of the trail.

Sincerely,



Mary M. Flynn
Mayor

cc: Carla Julian, Senior Manager of Public Affairs, Fluor Corporation
Lawrence J. Hogan, Governor of the State of Maryland
Charles Lattuca, Executive Director, Transit Development and Delivery, MTA
Michael Madden, Deputy Project Director, Transit Development and Delivery, MTA
Richard S. Madaleno Jr., Maryland State Senator
Alfred Carr Jr., Maryland State Delegate
Jeffrey Waldstreicher, Maryland State Delegate
Ana Sol Gutierrez, Maryland State Delegate
Isaiah Leggett, County Executive, Montgomery County
Roger Berliner, President, Montgomery County Council
Tom Hucker, Councilmember, Montgomery County Council
Marc Elrich, Councilmember, Montgomery County Council
Nancy Floreen, Councilmember, Montgomery County Council
George Leventhal, Councilmember, Montgomery County Council
Hans Riemer, Councilmember, Montgomery County Council
Ken Hartman, Director, Bethesda-Chevy Chase Regional Services Center
Casey Anderson, Chair, Montgomery County Planning Board
Al Roshdieh, Director, Montgomery County Department of Transportation
Chris Van Hollen, United States Senator
Ben Cardin, United States Senator
Jamie Raskin, United States Congressman