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In favor of State Highway Administration Nighttime Construction Noise Reduction Act, HB084

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Good day, Chairman Bharve and members of the committee. My name is James Christopher Perry and today I speak on behalf of the Board of Directors of the Renters Alliance, on behalf of the Cole Spring Plaza Tenants Association, and on behalf of citizens of downtown Silver Spring and other residential communities in Montgomery County.

I'm a retired Air Force veteran who flew combat sorties in Vietnam. For nearly three decades, my civilian job was consulting cybersecurity for the U.S. Government. My wife and I are both retired and for ten years, we've lived in an apartment in downtown Silver Spring.

Since we moved into an apartment at the corner of Colesville Road and Spring Street in 2009, my wife and I and many of our neighbors have experienced a steady increase in the level of noise outside our windows. Some comes from traffic, and some comes from a steady stream of police, fire and emergency vehicles. But

increasingly, with commercial and residential construction vehicles, we've had to put up with the noise that continues most hours of the day and night, 24 by 7.

Lately, we have experienced nearly continuous road construction projects at all hours of the night. Last spring, the State Highway Administration and their contractors started jackhammering our streets starting late at night and continuing into the early morning hours.

Back-hoes, road grinders, and pavement saws generate continuous clatter at levels as high as 100 decibels – that's near rock-concert or jet-engine levels – well above Montgomery County noise limits. Super-bright construction lights turn night into day. Crews shout orders at each other, trying to yell over the background uproar. The air is filled with fuel fumes and dust that leak into our homes, regardless of the seals on our windows.

Trying to sleep with this racket going on is impossible. If you have an early wakeup for your job or to take children to school, you get little or no rest, and this can go on for several nights in succession. We've complained to the county Departments of Environmental Protection and Permitting Services, but they and the county attorneys tell us that the SHA trumps all county noise ordinances. The State of Maryland, with SHA as its agent, enjoys legal supremacy over county regulations.

Where does that leave thousands of people who live in or near residential or commercial/residential zones? We can't move our dwellings to escape the commotion. We're stuck where we are, patiently paying our monthly rent, mortgages and taxes for the privilege of having the SHA disrupt the peaceful enjoyment of our

homes. Calls to SHA authorities result in apologies but polite refusal to change construction schedules to daytime.

The SHA controls state highways and any construction on them, regardless of where those highways run. The Highway Administration seems to think that tearing up the roads in the middle of rural pastureland is the same as doing so in downtown Bethesda – if the noise doesn't bother the cows, then it shouldn't bother us. It's the equivalent of eminent domain over our sleeping hours and family time but without any compensation.

In its analysis of HB84's fiscal impact, the Department of Legislative Services asserted that the effect on the Transportation Trust Fund would be "significant" increases in direct costs and related increases in traffic delays. But the analysis does not address the significant costs of lost sleep on long-term health of adults and children, short-term impacts on job productivity, and lost classroom performance in sleep-deprived children. Late-night construction noise induces chronic stress because noise startles and irritates people, or awakens them suddenly if they're sound asleep. Although SHA publishes construction schedules, they do not warn people when the hullabaloo will start or how long it will last. One night a few weeks ago, the contractors just showed up at 11:30 p.m. and hammered away till 4:00 a.m. As I mentioned, the noise levels are literally toxic.

HB84 would require SHA or its contractors not to conduct construction between 10:00 p.m. and 6:00 a.m. unless sanctioned by county zoning officials. In that regard, the Renters Alliance believes it is far more reasonable to amend the bill to extend the morning hour to 7:00 a.m.



The Legislative Services analysis further warns that “obtaining determinations from zoning officials could delay projects”. That determination, however, would place some control back in the hands of elected county officials and back in the hands of voters who deserve a voice in the tradeoff between improved infrastructure, on the one hand, and quality of family lives, on the other.

We urge this committee to take into account the impact on the hundreds of families who live next to or above these projects when performed at night and early morning and support this bill with a favorable report.

Thank you.