

HB 175 – PUBLIC SAFETY – STATE FIRE MARSHAL – EXPLOSIVES LICENSE

SUPPORT

JANUARY 28, 2020

Dear Committee Members,

I am sorry that I was unable to deliver these remarks in person. Please accept this submission of comments as support for HB0175. HB0175 takes steps to give local jurisdictions oversight on allowable blasting times, which would benefit communities where blasting may occur to ensure that reasonable blasting hours are maintained.

My family lives in the Long Branch neighborhood of Silver Spring, above the underground tunnel portion of the Purple Line (commonly called “the Plymouth tunnel”). This is one of the most intense sections of the Purple Line construction, involving over 2 years of near-constant work to excavate a 370 foot tunnel running from the future Manchester Place Station, just off Wayne Avenue, to Arliss Street. The tunnel runs along Plymouth Street, 50 feet directly below our home.

My family strongly supports the Purple Line - we actually purchased our home to be near the future transit stop. We expected a certain amount of disruption to our lives, but what we experienced was far worse. However, I am not writing to complain about the noise or disruption. **Rather, I want to flag the incredibly disturbing dysfunction that we observed and experienced when interacting with MDOT, the “reporting agency” (i.e the agency in charge of the Purple Line P3) when trying to address the issues that came up.**

This saga started in late November 2018 when our community got notice from Purple Line that they would be commencing blasting underneath our house to speed up excavating the tunnel, and that they were authorized by the State Fire Marshal to blast between the hours of 5:00 AM to 9:00 PM.

These hours seemed very concerning to me, given that we live in a residential neighborhood. I immediately followed up to find out how the hours were set, who was in charge, and if was possible to get the hours changed. This started me on a 3 month journey that led me to have multiple conversations with Purple Line, Maryland Department of Transportation, Montgomery County Department of Transportation, the Montgomery County Department of Permitting Services (Division of Fire Prevention and Code Compliance), the State Fire Marshal, and our state and local elected officials.

## **Blasting Hours**

For over a year, Purple Line Transit Partners (PLTP) publicly claimed in documents, presentations, and meetings that they had the authority to blast during the hours of 5:00 AM to 9:00 PM and that those hours were authorized by the State Fire Marshal. It turns out this was completely incorrect.

I've included a letter from the Maryland State Fire Marshal, Brian Geraci from January 31, 2019. I had reached out to the State Fire Marshal after MDOT could not (or chose not) to explain to me how the hours were set. In the letter Mr. Geraci corrects his own staff, who had been defending the hours of 5:00AM-9:00PM, stating that *"the times noted are incorrect. The Montgomery County Firecode allows blasting between 7:00 am and 7:00 PM. We will make sure that all parties are aware of these new times, which are the law in Montgomery County"*.

On April 25, 2019, I pulled both Montgomery County and State Bomb Squad officials onto one email, and looped in my elected officials for good measure. I pointed out that I had correspondence in which both the state and county were both claiming the other was in charge of oversight of blasting. Later that day, the State Fire Marshal Mr. Geraci replied: *"The purple line is a state project so my agency had the responsibility to oversee the blasting and fire code review in talking to staff it would appear that we did not do the very best that we could have. In the coming weeks we will be reviewing our procedures, policies and state regulations so we can do better as this project continues and for future projects. I will tell you that we did not receive any other complaints regarding the blasting and that all blasting has been concluded at the Silver Spring site. I want to thank you for your persistence"*.

## **Public concerns were NOT being communicated with Fire Marshal**

Between October 2018 and March 2019, our community raised concerns with MDOT at least 4 separate public meetings and letters were sent from many of the families in our neighborhood as well as the Sligo-Branview Community Association and Neighbors Impacted by Manchester Tunnel. Additionally, official letters were sent from 5 members of the Montgomery County Council, and two letters from the District 20 Delegates and Senator.

Amazingly, it appears that none of those concerns and complaints were conveyed to the agency with authority to respond. Despite incorrectly claiming authority to blast during times that were not authorized, MDOT was also failing to pass along public concerns to the proper authority.

Nor does it appear that any review or improvements have been made in light of this breakdown in communication and oversight.

In response to Mr. Geraci's most recent email, on April 25, 2019 Delegate Lorig Charkoudian (D20) asked Mr. Geraci to share any report he puts together on what he learned from this review. As a result of this process, HB0175 was drafted to address one of the major issues. HB0175 takes steps to give local jurisdictions oversight on allowable blasting times, which would benefit communities where blasting may occur to ensure that reasonable blasting hours are maintained.

We appreciate that HB0175 will help address the immediate issue of setting reasonable blasting hours. But I hope that additionally, the General Assembly will also look at the deeper issues of dysfunctional internal communication and poor public engagement displayed by MDOT and the Purple Line P3.

Sincerely,

Annie Tulkin  
8900 Bradford Rd  
Silver Spring, MD 20901