

T&E COMMITTEE #1  
July 30, 2007

**MEMORANDUM**

July 27, 2007

TO: Transportation and Environment Committee  
FROM: Glenn Orlin, <sup>Go</sup>Deputy Council Staff Director  
SUBJECT: Resolution to amend FY08 transportation fees, charges, and fares

Councilmembers Ervin, Berliner, Elrich, and Leventhal have co-sponsored a resolution that would amend the FY08 transportation fees, charges, and fares resolution adopted by the Council and approved by County Executive Leggett earlier this year. This new resolution would retain the hours during which parking is currently charged in the County's four parking lot districts: Bethesda, Montgomery Hills, Silver Spring, and Wheaton (©1-8, the proposed changes are marked on ©4-5). The new resolution does not propose a further change in parking fees (which were raised in Montgomery Hills and North Bethesda earlier this year) parking fines, or transit fares (senior fares were eliminated earlier this year); however, the public hearing notice was broad enough to allow the Council to consider any change to this resolution.

***Chronology.*** Here is a chronology of events regarding parking charges:

April 27, 2005	The Transportation and Environment (T&E) Committee discussed the potential for extending charging hours.
April 20, 2006	The T&E Committee discussed the potential for extending charging hours.
February 12, 2007	The T&E Committee discussed the potential for extending charging hours.
March 13, 2007	The County Executive recommended extending parking enforcement hours in the Wheaton Parking District until 10 pm Monday through Saturday for on-street spaces and in lots, and until 10 pm Monday through Friday in Garage 45 (the Amherst Avenue garage). Currently parking fees are enforced there until 6 pm those evenings. He also recommended increasing parking fees in Montgomery Hills.
April 10, 2007	The Council announced a public hearing soliciting comments on a draft resolution to raise parking fees in Montgomery Hills and North Bethesda

and to establish uniform enforcement hours across all four parking districts and the North Bethesda Transportation Management District (TMD) as follows: from 7 am to 10 pm Monday through Saturday for on-street spaces and in lots; and from 7 am to 10 pm Monday through Friday in garages (with the exception of the garages in the Silver Spring Town Center, for which the enforcement hours must remain unchanged for now according to the provisions of a multi-year agreement with the Town Center developer).

- May 1, 2007 The Council held a hearing on the draft resolution. There were two speakers. A representative of the Bethesda-Chevy Chase Chamber of Commerce testified in opposition to: charging for on-street spaces in Bethesda between 7 am and 9 am; extending the charging hours in Bethesda's lots on Saturdays; and charging nights and Saturdays for on-street spaces and lots in North Bethesda. Another individual testified against charging for on-street spaces in Bethesda between 7 am and 9 am.
- May 3, 2007 The T&E Committee (Councilmember Ervin not present) reviewed the matter. The Committee concurred with Council staff's recommendation not to extend charging hours in the North Bethesda TMD, since parking on nights and weekends is minimal and the cost of enforcing the extended hours there likely would exceed the additional revenue. Furthermore, the Committee agreed not to charge for on-street meters in the four parking districts between 7 am and 9 am Monday through Saturday.
- May 8, 2007 The Council held a worksession on the FY08 Operating Budget of Department of Public Works and Transportation, during which it concurred with the Committee's May 3 recommendations.
- May 16, 2007 The Council unanimously adopted Resolution 16-140, reaffirming the Council's May 8 decision.
- May 28, 2007 The County Executive approved Resolution 16-140. The new charging hours were to go into effect as soon after July 1 as possible.
- Late May, 2007 Local papers reported on the Council/Executive action. Subsequently the Council received many letters and calls objecting to the extension of hours, primarily from South Silver Spring and Wheaton.
- June 26, 2007 The Council introduced another resolution to correct a technical error in Resolution 16-140 regarding charging hours in North Bethesda.
- July 3, 2007 The Council held a public hearing on the correction. There were no speakers. The Council adopted Resolution 16-236 correcting the technical error in Resolution 16-140.

- July 10, 2007            The Council introduced the present resolution. The Department of Public Works and Transportation announced it would postpone implementation of new charging hours until the Council acted on the present resolution.
- July 19, 2007            The County Executive approved Resolution 16-236.
- July 26, 2007            The Council held a public hearing on the present resolution.
- July 30, 2007            The T&E Committee holds a worksession to review this resolution and form its recommendations.
- July 31, 2007            The Council is scheduled to take action.

**Public comment.** The Council heard testimony from 14 speakers at its July 26 public hearing, and it has received over a hundred pieces of correspondence, virtually all supporting this resolution to retain the current charging hours. The Executive’s testimony also calls for not implementing the funding transfers from the Parking Lot Districts associated with the extensions that are assumed in the Approved FY08 Operating Budget.

**Net revenue impact.** By not extending the hours as planned, revenue will be short by the additional anticipated fees and fines. The impact will be offset somewhat by the additional enforcement, fine collection, and implementation costs associated with the extended hours that will no longer be incurred.

Council staff has worked with Department of Public Works and Transportation staff to estimate the reduced revenues and costs associated with not implementing the extensions. A small amount of the costs have already been incurred: fabricating new signs, mainly. The *net* revenue loss to the FY08 Operating Budget is about \$768,000, as follows:

**Net Revenue Lost, by Fund**

	Parking	General	Mass Transit	Total
Bethesda	\$99,120	\$0	\$33,950	<b>\$133,070</b>
Mont. Hills	\$10,340	\$0	\$4,690	<b>\$15,030</b>
Silver Spring	\$0	\$344,500	\$0	<b>\$344,500</b>
Wheaton	\$215,410	\$50,360	\$9,540	<b>\$275,310</b>
<b>Total</b>	<b>\$324,870</b>	<b>\$394,860</b>	<b>\$48,180</b>	<b>\$767,910</b>

**Options.** Given the Council’s clear indication that it wished to roll back hours, the question is how the revenue can be recouped. As noted above, the public hearing notice was broad enough to allow the Council to consider any change to the resolution. Here are some options:

*Extend the hours weeknights, but not as late in the evening.* In its testimony the Wheaton Redevelopment Advisory Committee notes that it has briefly discussed a smaller expansion of hours—for example, until 7pm (an additional hour). This likely would not put a dent in the

restaurant trade, since most diners would only have to pay for an hour at the most, and since there would be no need to move a car or chance a ticket because of an expiring meter.

*Retain Saturday hours on-street and in lots.* Silver Spring and Bethesda stakeholders oppose this. However, Wheaton businesses customers have had to pay for Saturday parking on-street and in lots for many years. In Wheaton, the only free public spaces on Saturday are in the Amherst Avenue garage, which sits on the edge of the business district and represents only 44% of all public spaces (638 of 1,465), according to DPWT's web page.

On the other hand, in Bethesda, 78% (5,840 of 7,510) of the public spaces are in garages, and in Silver Spring, 87% of all public spaces are in garages (10,613 of the 12,268). If a customer wants to shop, eat, or be entertained on a Saturday in Bethesda or Silver Spring and is determined not to pay for parking, there is more than ample opportunity to do so in garages scattered throughout each business district.

*Increase the parking fees in the Silver Spring Town Center garages.* One of the themes of the hearing testimony and correspondence was the disparity of charging longer hours in Silver Spring but not at its Town Center garages (#60 and #61). The developer agreements require the charging hours in those garages to be frozen for another 5 years, until 2012.

Two years ago the Council approved a fee increase in Silver Spring (which went into effect in April 2006) which raised the fee *except in the Town Center garages* by 10¢/hour for short-term meters and 5¢/hour for long-term meters. The increase was not imposed on Garages #60 and #61 because it was believed that the developer agreement precluded it. However, Executive staff have reviewed the agreement again, and they now believe that while the hours cannot be extended, the fees *can* be raised. Raising the fees in the Town Center garages to the same level as in the rest of Silver Spring would generate about \$200,000 more revenue annually.

While raising the rate for the Town Center garages in Silver Spring could raise some of the lost revenue and erase an existing disparity, DPWT staff points out a practical problem. If the garages' short-term rates go up to 60¢/hour the collection equipment will have to disperse nickels and dimes much more frequently, which means that they will have to be restocked with change much more frequently. DPWT staff can elaborate on this problem during the worksession.

*Increase the parking fees in Wheaton.* Several people who testified or corresponded regarding Wheaton suggested an increase in parking fees to offset extending the hours until late at night. The current fee (for both long-term and short-term meters) is 35¢/hour and a monthly pass is \$65.

At Council staff's request, DPWT estimated that raising the fees to the same as Silver Spring—60¢/hour for short-term meters, 45¢/hour for long-term meters, and \$85/month—would raise about \$340,000 more annually. Raising the fees by a lesser amount—50¢/hour for short-term meters, 40¢/hour for long-term meters, and \$75/month—would raise about \$190,000 more annually.

**Council staff recommendation.** If the extended hours that were adopted and approved in Resolutions 16-140 and 16-236 are no longer acceptable, and if the Council wishes to recoup some of the revenue upon which the Approved FY08 Operating Budget is based, then Council staff recommends all of the following:

- Extend the charging hours in Silver Spring, Montgomery Hills, and Wheaton until 7 pm (not 10 pm).
- Extend the charging hours to Saturday in Bethesda, Silver Spring, and Montgomery Hills, from 9 am to 7 pm (not 10 pm) on-street and from 7 am to 7 pm in lots. Garages in all areas would remain free on Saturdays.
- Increase the parking fees in the Town Center garages to the same level as in the rest of Silver Spring (60¢/hour for short-term meters, 45¢/hour for long-term meters, and \$85/month) if the 'making change' operational issue can be resolved.
- Increase the parking fees in Wheaton to 50¢/hour for short-term meters, 40¢/hour for long-term meters, and \$75/month.

To the extent these recommendations are approved, the first call for the additional revenue should go for associated costs of implementation, collection, and enforcement, the second call should fund the Parking District shortfalls noted in the table above, and the last call should go towards funding the transfers noted in that table.

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Councilmembers Ervin, Berliner, Elrich, and Leventhal

---

Subject: Setting transportation fees, charges, and fares

Background

1. With the enactment of Bill 16-04, as of July 22, 2004 all fees, charges, and fares for any transportation or transportation-related service or product provided by the Department of Public Works and Transportation must be set by Council resolution adopted after a public hearing and approved by the Executive, unless any law expressly requires a different process. If the Executive disapproves a resolution within 10 days after it is adopted and the Council readopts it by a vote of six Councilmembers, or if the Executive does not act within 10 days after the Council adopts it, the resolution takes effect.
2. The fees, charges, and fares currently in effect are those in Council Resolution 16-140 adopted on May 16, 2007 and approved by the County Executive on May 28, 2007. This resolution increased the parking fees in the Montgomery Hills Parking Lot District and the North Bethesda Transportation Management District, and increased the parking charging hours in all the districts.
3. Subsequent to the adoption and approval of Resolution 16-140 an error was noted Table 1, Section II.E.1 regarding the hours designated for parking charges in the North Bethesda Transportation Management District.
4. On June 26, 2007 a public hearing on this resolution was advertised and on July 3, 2007 a public hearing was held and the resolution was adopted. This new resolution, Resolution 16-236, has been forwarded to the Executive for approval.
5. Subsequent to the adoption and approval of Resolution 16-140 the Council heard from many residents and businesses opposing the expansion of parking charging hours in several Parking Lot Districts. A public hearing on this resolution was advertised and held.
6. A public hearing on this resolution was advertised and held.

Action

The County Council for Montgomery County approves the following resolution:

Transportation fares, fees, and charges in Resolution 16-236 are amended as described in Table 1, attached, and go into effect on August 1, 2007, unless otherwise noted. The fares, fees, and charges in Resolution 16-140, except for the parking charging hours noted in the resolution, remain in effect until August 1, 2007.

This is a correct copy of Council action.

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council  
*Approved*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

**TABLE 1: TRANSPORTATION FARES, FEES, AND CHARGES****I. Transit Fares**

Regular fare or token	\$1.25
Bethesda 8 (Route 92) and VanGo (Route 28) shuttles	Free
Twinbrook (Route 93) and Rock Spring (Route 96) shuttles	\$0.35
Designated routes in Free-Wheeling Days promotion	Free
Kids Ride Free Program (2-7 pm weekdays)	Free
Code Red days	Free
Give and Ride Program	Free
Senior/Disabled with identification card except during weekday mid-day hours (until January 1, 2008)	
attendant accompanying customer	\$0.60
with Attendant-Eligible card	\$0.60
Senior/Disabled with identification card during weekday mid-day hours (until January 1, 2008)	
attendant accompanying customer	Free
with Attendant-Eligible card	Free
Senior/Disabled with identification card (starting January 1, 2008)	
attendant accompanying customer	Free
with Attendant-Eligible card	Free
MetroAccess Certified Customer with ID	Free
MetroAccess – companion	Free
Children under age 5	Free
Local bus transfer	Free
Metrorail-to-Ride On bus transfer	\$0.35
Senior/Disabled transfer	Free
Metrobus weekly pass	Free
MARC weekly and monthly passes	Free
MTA Commuter Bus Pass	Free
Regional One Day bus pass	\$3.00
Ride-About (2 Week) pass	\$10.00
Ride On 20-trip ticket	\$20.00
Youth Cruiser pass	\$10.00 Per Month
Summer Youth Cruiser pass (for 3-month period of June, July, and August)	\$15.00
‘C’ Pass (for current County employees)	Free
‘U’ Pass (for Montgomery College fee-paying students)	Free

**II. Parking Fees** (Note: No payment is required for motorcycles in spaces or areas where only motorcycle parking is permitted. No payment is required for any vehicle at all public parking spaces on County holidays.)

**A. Bethesda Parking Lot District**

- 1. Meters on-street from 9 am to 10 pm, Monday through Saturday, and in lots from 7 am to 10 pm, Monday through [Saturday] Friday, and in garages from 7 am to 10 pm, Monday through Friday
  - Short-Term (First 3 hours) \$0.75 Per Hour
  - Long-Term (More than 3 hours) \$0.50 Per Hour
- 2. Garage 49
  - Daily Maximum \$8.25 Per Day
  - Lost Ticket \$8.25 Per Day
- 3. Special Permits
  - a. Parking permits
    - Parking Convenience Sticker \$95.00 Per Month
    - Daily Parking Permit \$8.25 Per Day
    - “AM/PM” Parking Permit \$20.00 Per Month
  - b. Carpool Permits
    - 2 Persons \$70.00 Per Month
    - 3 and 4 Persons \$40.00 Per Month
    - 5 or More Persons \$10.00 Per Month
  - c. Townhouse Resident Permit \$2.00 Per Month

**B. Silver Spring Parking Lot District**

- 1. Meters on-street from 9 am to [10 pm] 6 pm, Monday through [Saturday] Friday, and in lots from 7 am to [10 pm] 7 pm, Monday through [Saturday] Friday, and in garages (except Garages 60 and 61) from 7 am to [10 pm] 7 pm, Monday through Friday
  - Short-Term (First 3 hours) \$0.60 Per Hour
  - Long-Term (More than 3 hours) \$0.45 Per Hour
- 2. Special Permits
  - a. Parking permits
    - Parking Convenience Sticker \$85.00 Per Month
    - Daily Parking Permit \$5.00 Per Day
    - “AM/PM” Parking Permit \$20.00 Per Month
  - b. Carpool Permits
    - 2 Persons \$65.00 Per Month
    - 3 and 4 Persons \$35.00 Per Month
    - 5 or More Persons \$5.00 Per Month
  - c. Townhouse Resident Permit \$2.00 Per Month
- 3. Garages 60 and 61
  - Short-Term (First 3 hours) \$0.50 Per Hour
  - Long-Term (More than 3 hours) \$0.40 Per Hour

**C. Wheaton Parking Lot District**

1. Meters on-street from 9 am to [10 pm] 6 pm, Monday through Saturday, and in lots from [7 am] 9 am to [10 pm] 6 pm, Monday through Saturday, and in garages from [7 am] 9 am to [10 pm] 6 pm, Monday through Friday
- |                               |                 |
|-------------------------------|-----------------|
| Short-Term (First 3 hours)    | \$0.35 Per Hour |
| Long-Term (More than 3 hours) | \$0.35 Per Hour |

2. Special Permits
- |                             |                   |
|-----------------------------|-------------------|
| Parking Convenience Sticker | \$65.00 Per Month |
| Townhouse Resident Permit   | \$2.00 Per Month  |

**D. Montgomery Hills Parking Lot District**

1. Meters on-street from 9 am to [10 pm] 6 pm, Monday through [Saturday] Friday, and in lots from [7 am] 9 am to [10 pm] 6 pm, Monday through [Saturday] Friday
- |                               |                 |
|-------------------------------|-----------------|
| Short-Term (First 3 hours)    | \$0.25 Per Hour |
| Long-Term (More than 3 hours) | \$0.25 Per Hour |

2. Special Permits
- |                             |                   |
|-----------------------------|-------------------|
| Parking Convenience Sticker | \$45.00 Per Month |
| Townhouse Resident Permit   | \$2.00 Per Month  |

**E. North Bethesda Transportation Management District**

1. Meters on-street and in lots from 7 am to 7 pm, Monday through Friday
- |                               |                 |
|-------------------------------|-----------------|
| Short-Term (First 3 hours)    | \$0.60 Per Hour |
| Long-Term (More than 3 hours) | \$0.45 Per Hour |
2. Special Permits
- |                             |                   |
|-----------------------------|-------------------|
| Parking Convenience Sticker | \$85.00 Per Month |
|-----------------------------|-------------------|

### III. Parking Fines and Other Charges (with County Code Section Citations)

#### A. Motor vehicles, traffic control and highways, generally

31-6(b)(2)	Snow emergency – Parked in Right-of-Way	\$75.00
31-7	Unregistered vehicle/parking prohibited	\$50.00
31-8	Impeding traffic, threaten public safety	\$50.00

#### B. Parking regulations generally – on-street

31-11(b)	Emergency/Temporary no parking sign	\$50.00
31-12	Violation of official sign (except residential permit parking)	\$50.00
31-12	Residential permit parking violation	\$40.00
31-13	Parking of vehicle – snow accumulation	\$50.00
31-14	Commercial vehicles/bus abutting residences or schools	\$50.00
31-16	Over 24 hours	\$50.00
31-17	Within 35 feet of intersection	\$50.00
31-18	Posted time limit	\$50.00
31-19	Obstructing driveways (within 5 feet)	\$50.00
31-20	No person will:	
	(a) Stop, stand or park a vehicle whether occupied or not:	
	(1) Impeding traffic	\$50.00
	(2) On a sidewalk	\$50.00
	(3) Within an intersection	\$50.00
	(4) On a crosswalk	\$50.00
	(5) Alongside street repair	\$50.00
	(6) On bridge/ in tunnel	\$50.00
	(7) On any highway ramp	\$50.00
	(8) Official school board/Montgomery College sign	\$50.00
	(9) Rush hour restriction	\$50.00
	(10) Behind Official sign in Right-of-Way	\$50.00
	(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger:	
	(1) within 15 feet of fire hydrant	\$50.00
	(2) within 20 feet of painted crosswalk	\$50.00
	(3) within 30 feet of traffic control signal/device	\$50.00
	(4) at a firehouse entrance clearance	\$50.00
	(5) at a No Standing sign	\$50.00
	(6) double parking	\$50.00
	(7) at a posted/marked fire lane	\$250.00
	(8) in front of theaters, posted	\$50.00
	(9) more than 12 inches from curb	\$50.00
	(10) opposite the flow of traffic	\$50.00
	(11) blocking another vehicle	\$50.00
	(12) not within designated parking space	\$50.00
	(13) at a posted bus stop	\$50.00
	(14) at a posted taxi stand	\$50.00
	(15) in a handicapped parking space	\$250.00
	(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passenger:	
	(1) within 50 feet of a railroad crossing	\$50.00
	(2) at an official No Parking sign	\$50.00

### C. Off-street public parking regulations

31-26	(a) No person shall park a vehicle on a public parking facility:	
	(1) in violation of an official sign	\$50.00
	(2) in a No Parking zone	\$50.00
	(3) not within a designated parking space	\$50.00
	(4) in or on driving aisle/driveway/signwalks	\$50.00
	(5) at a bagged meter/temporary sign/barricade	\$50.00
	(6) blocking another vehicle	\$50.00
	(7) over 24 hours where not authorized	\$50.00
	(8) vehicle unregistered/inoperative	\$50.00
	(9) in violation, front-in-only, posted	\$50.00
	(10) straddling marked parking spaces	\$50.00
	(11) unattended/running	\$50.00
	(12) impeding traffic	\$50.00
31-27	(b) Prohibited vehicle/weight/size/type	\$50.00
31-30(c)	(c) Snow/ice emergency	\$50.00

### D. Parking meters generally

31-35	Expired parking meter	\$35.00
31-36	Overtime parking at parking meter	\$40.00
31-37	More than 3 feet from parking meter	\$35.00
31-38	More than 1 vehicle in parking space except motorcycles	\$35.00

### E. Administration, enforcement, penalties, and collection

31-57(a)	First late penalty for failure to fully pay fine or appeal citation within 15 days	\$25.00
31-59	Second late penalty for failure to fully pay the original fine and penalties within 45 days of the original issuance of the citation	\$25.00

### F. Residential Parking Permits

31-48(h)	Biennial fee	\$30.00
----------	--------------	---------

**IV. Transportation Management District (TMD) annual fees**

In this section Gross Floor Area (GFA) is defined as described in Section 52-47 of the County Code.

**A. Bethesda Transportation Management District**

Commercial space occupied before July 1, 2006 where payment of TMD fee was a condition of subdivision or optional method approval	\$0.10/square foot GFA
Commercial space first occupied on or after July 1, 2006	\$0.10/square foot GFA

**B. Friendship Heights Transportation Management District**

Commercial space occupied before July 1, 2006 where payment of TMD fee was a condition of subdivision or optional method approval	\$0.10/square foot GFA
Commercial space first occupied on or after July 1, 2006	\$0.10/square foot GFA

**C. North Bethesda Transportation Management District**

Commercial space occupied before July 1, 2006 where payment of TMD fee was a condition of subdivision or optional method approval	\$0.10/square foot GFA
Commercial space first occupied on or after July 1, 2006	\$0.10/square foot GFA

**D. Silver Spring Transportation Management District**

Commercial space occupied before July 1, 2006 where payment of TMD fee was a condition of subdivision or optional method approval	\$0.10/square foot GFA
Commercial space first occupied on or after July 1, 2006	\$0.10/square foot GFA