

MEMORANDUM

March 18, 2010

TO: Planning, Housing, and Economic Development Committee

FROM: Glenn Orlin, ^{Go} Deputy Council Staff Director
Marlene Michaelson, ^{MM} Senior Legislative Analyst

SUBJECT: Gaithersburg West Master Plan: transportation elements and the staging plan

Councilmembers: Please bring your copies of the Draft Plan to this meeting.

This memorandum summarizes Council staff's recommendations on the remaining transportation elements of the plan, as well as analysis and recommendations on the staging plan. Under separate cover is an addendum with other relevant documents:

- the October 26, 2009 PHED packet with the Planning Board's responses to questions by Councilmember Andrews and Council staff;
- the February 1, 2010 PHED packet on the remaining transportation elements of the plan;
- the March 9, 2010 memorandum from Council staff to the Council President responding to issues raised during the March 5, 2010 meeting with Rockville and Gaithersburg elected officials; and
- Council staff's response to the points in the Gaithersburg and Rockville Mayor and Council resolutions of March 8 and 9, 2010, respectively.

I. TRANSPORTATION ELEMENTS

On February 1 the PHED Committee extensively reviewed the three major remaining transportation issues in the Master Plan: land use/transportation balance; the grade separated interchanges; and the Corridor Cities Transitway (CCT) alignment. The Committee, however, did not vote on the recommendations.

In summary, Council staff's recommendations are:

- **to concur that the Plan's land use is in balance with its planned transportation at build-out, that the 30% non-auto-driver mode share (NADMS) goal is achievable, and that 1,600 Critical Lane Volume (CLV) intersection standard is appropriate in the Life Sciences Center area—but only once the CCT is countable under the Growth Policy;**
- **to concur with the Plan's recommendations for grade-separated interchanges; and**
- **to approve the Plan's alignment for the Corridor Cities Transitway, but note that the Plan should ultimately support whichever alignment the Maryland Transit Administration selects through or around the Belward Farm.** At the February 1 worksession MTA staff explained the current investigations of alternative alignments, and their points are documented in a March 9 letter to the Council President (©1-3).

Regarding the planned interchanges, recall that at the February 1 worksession Executive and Planning staffs proposed language for the plan stating:

The proposed grade-separated interchange at Sam Eig Highway and Great Seneca Highway (MD 119) listed above should be given high priority for construction prior to commencement of Stage 3 of the Staging Plan. Although the master plan envisions construction of additional grade-separated interchanges prior to commencement of Stage 4, it is recognized that future social and technological changes may allow for equivalent mobility and capacity to be achieved without building additional grade-separated interchanges. Such mobility and capacity enhancements would need to be considered as alternative solutions to a grade-separated interchange during a transportation project planning study, or the review of a land development project. These enhancements include, without being limited to, increased transit services, implementation of a robust street system that promotes walking and bicycling, managed parking supply, provision of proactive travel demand management services, and operational improvements to at-grade intersections, streets, arterials, and highways. Emerging state and federal sustainable community initiatives incorporating climate change and energy concerns may significantly reduce future demand for single occupancy vehicle travel, potentially reducing the need for interchanges.

Prior to any interchange design, a feasibility study will examine the alternative mobility enhancements described above and develop context-sensitive solutions. This Plan supports context-sensitive improvements that are designed to facilitate community connections, minimize right-of-way needs, and address visual and noise concerns through design elements such as depressing roadways or ramps below grade. The feasibility study will include participation by adjacent community representatives to help define community needs and context. All transportation improvements should be planned, designed and constructed under the lens of sustainability, balancing their effects on the natural environment, social community and economic resources.

Except for the references to staging in the first two sentences of the first paragraph, Council staff recommends including this text in the Plan. The statement puts the interchanges in the correct context: the land for them should be reserved in case some or all of them need to be built as a last resort. We will address interchanges and staging later in this memorandum.

II. STAGING ELEMENT

The County's primary tool to stage the timing of master-planned development to the provision of adequate public facilities is the Growth Policy which, through quantifiable tests, determines if there will be sufficient transportation facilities and services (within the next 6 years) as well as permanent public school capacity (within 5 years) to allow a subdivision to be approved. Oftentimes, however, a master plan itself will overlay this with further requirements by including a staging element; when that occurs, each proposed subdivision must meet both the Growth Policy and staging element requirements before it is approved. The Draft Gaithersburg West Master Plan proposes such a staging element, described on pp. 64-69.

1. Purposes of master-planned staging (pp. 64-65). The Planning Board lays out four reasons why master-planned staging is necessary in addition to the Growth Policy requirements:

First, the Board states that a staging element would "provide early notice of what must be done to realize the long-term growth envisioned in a master plan, including programming large capital projects like the CCT." With the exception of the CCT, we disagree. The master plan itself already identifies all the projects that must be done. As far as early notice is concerned, the Growth Policy annually measures the adequacy of transportation and school facilities 6 and 5 years out, respectively, thus allowing the Council every year to put the brakes on subdivision approvals, program projects to address capacity needs, or both. On the other hand, master plan staging requirements are fixed until the master plan is formally updated, and this occurs only every decade or two. The last master plan update in this area was, indeed, 20 years ago. Master plan staging requirements can get out of date very easily.

The CCT is an exception because it is a transportation 'game-changer' which will provide a quantum leap in transit service for the planning area. Furthermore, the Plan consists almost entirely of transit-oriented development, and the CCT is the transit to which that development will be oriented.

Second, the Board states that a staging element would "achieve a desired form of development—community building—or accomplish other policy goals." We absolutely agree; historically, this is the reason why some other master and sector plans have staging elements. Such community building requirements in other staging elements include streetscaping, the provision of sidewalks and bikeways, community/recreation centers, parks, and other 'place-making' features. Examples of 'other policy goals' include a mix of housing and jobs at each stage (so that commercial development in a plan doesn't get too far ahead of residential development, or vice versa), and step-by-step increases in the proportion of those commuting by transit, ridesharing, biking, and other non-auto modes (so that roads are not the only transportation improvements to be built first).

Third, the Board notes that a staging element would "provide long-term continuity for growth management. Master plans are updated less often than the Growth Policy, which is revised every two years, so there is less unpredictability." We disagree. The fact that the Growth Policy is updated more frequently, we believe, is why the Growth Policy is the *better* tool for growth management—at least for transportation and schools—than staging in a master plan. The Growth Policy has had plenty of continuity, as its tests have been around for longer than nearly all master plans: Local Area Transportation Review since the 1970s, Policy Area Transportation Review since the early 1980s—except between 2004 and 2007—and the school test since 1987. This flexibility has allowed the Council

to adjust the requirements to varying business cycles: tightening the rules a bit in burgeoning times, loosening them a bit in slack times. As it happens, the Council, Executive, and Planning Board now all agree that the Growth Policy's rules should be re-evaluated every 4 years, not every 2; such legislation is currently before the Council.

Fourth, the Board states that a staging element would "provide assurance that development will be timed with the provision of necessary public facilities to support it. A Growth Policy that is revised every two years provides less certainty." As noted above, we disagree to this statement as it applies to transportation and schools.

Council staff recommends that this section be re-written to highlight that the purpose of master-planned staging is to assure the timely provision of community-building and place-making elements of the plan.

2. *Staging principles* (p. 65). The Draft Plan lists seven principles under this heading. All of them are important and should be embodied in the plan, but six of the seven are not *staging* principles—they have nothing do with the timing of development. Only one—the statement that public institutions are not subject to staging because they are reviewed as mandatory referrals—is meaningful in the context of staging. **Council staff recommends deleting this section, moving the six non-staging principles to the Vision section on page 13 (or another appropriate place in the overview), and including the note about public institutions elsewhere in the Staging section.**

3. *The number of and size of stages* (pp.65-66). The Draft Plan calls for four stages defined by the amount of allowable commercial development. The Bethesda CBD Sector Plan, the Shady Grove Master Plan, and the White Flint Sector Plan have three stages, but dividing the Gaithersburg West Master Plan into four stages is appropriate given its larger scope.

The staging in the Draft Plan covers the development within LSC North, LSC Central, and LSC Belward: a total of 17.7 million sf. Planning staff advises that the 2.3 million sf difference between the 17.7 million sf recognized in the staging element and the 20 million commercial sf in the total plan buildout consists of existing and pipeline development in LSC South: 1.3 million sf of existing development and 1.0 million of approved (pipeline) development. Therefore, the planning area's existing development should be portrayed in the plan as 6.8 million sf, and the pipeline should be 3.7 million sf, for a total existing-plus-pipeline of 10.5 million sf.

Stage 1 would allow 400,000 sf of commercial development, Stage 2 would allow a further 2.8 million sf, Stage 3 another 1.8 million sf, and Stage 4 another 4.5 million sf. The first stage would allow a modicum of commercial development to be approved (again, only after meeting the Growth Policy's transportation staging requirements) along with the 3.7 million sf in the pipeline. This is the limit of development should reach without the guarantee of the CCT. We believe that Stages 2 and 3 should be more evenly allocated than proposed by the Planning Board, with 2.3 million sf occurring at each stage. We concur that Stage 4, by far the largest stage and representing nearly half of the build-out development not already existing and approved, should have the remaining 4.5 million sf.

Finally, we agree with comments of Rockville, Gaithersburg, and others that the residential development in the planning area should also be subject to staging (one of the 'other policy goals'

mentioned in the above discussion on the purposes of staging). However, it should proceed at a somewhat faster pace than the commercial development to address the current job/housing imbalance and to allow better marketability for the PSTA site, where most of the housing will go. Of the 9,000 units planned at build-out, about 3,300 are existing or in the pipeline. Of the 5,700 available to be approved, we recommend 1,000 units in Stage 1, 1,500 units in Stage 2, 1,500 units in Stage 3, and 1,700 units in Stage 4.

In summary, Council staff recommendations (compared to the Draft Plan) are as follows:

Stage	Commercial Dev. (Draft Plan)	Commercial Dev. (Council staff)	Housing (Council staff)
Existing plus pipeline	10.5 million sf	10.5 million sf	3,300 units
Stage 1	0.4 million sf	0.4 million sf	1,000 units
Stage 2	2.8 million sf	2.3 million sf	1,500 units
Stage 3	1.8 million sf	2.3 million sf	1,500 units
Stage 4	4.5 million sf	4.5 million sf	1,700 units
Total	20.0 million	20.0 million sf	9,000 units

4. Staging requirements (pp. 67-68). The Draft Plan’s staging plan recommends certain improvements and services in each phase. But, as we noted in our comments on other recent plans, we believe that staging related to transportation (with the exception of the CCT) should be based on performance goals: not exceeding intersection congestion standards and achieving specific non-auto-driver mode share (NADMS) goals. Since it is unknown which developments will proceed during each phase, it is not possible to divine which improvements/services are needed when. Also, if only one improvement encounters a long delay in implementation during Stage 2, for example, then development in Stage 3 may be held back indefinitely, even though another improvement might address the need just as well. This philosophy has been endorsed by the Council in its development of the Germantown Employment Area and White Flint Sector Plans, and it should be followed here, too.

Before Stage 1. The Draft Plan recommends the following:

- *Approve and adopt the Section Map Amendment.* **Council staff concurs.**
- *Fund and begin operating the Greater Shady Grove Transportation Management District (TMD).* **Council staff concurs.** In 2006 the Council established the TMD by resolution, following the provisions of Section 42A-10 through 30 of the County Code (©4-11). The boundary map is on ©11. The TMD includes large areas within the Cities of Rockville and Gaithersburg. The resolution notes that services will be provided in the municipal portions of the TMD to the extent each municipality enters into financial agreements with the County, and that developments would be subject to the laws of each municipality. The cities’ recent resolutions indicate its willingness to coordinate throughout the implementation of the plan. Paying their proportional share for the TMD and using their benefits would be one tangible way the cities can participate in the solution.
- *Create a new LSC Policy Area with urban standards and characteristics.* **Council staff recommends that this area be identified as a Road Code Urban Area before Stage 1, but not as a policy area during this stage.** The Road Code Urban Area designation means that its streets would be designed to the ‘urban’ standards in the County’s Road Construction Code,

which call for somewhat narrower lanes and other design elements more in keeping with urban environment. It would be premature to establish this as a policy area—one that would have a higher congestion standard—until the CCT is programmed to be completed within 6 years.

- *Document the base-line NADMS through monitoring and traffic counts. Council staff concurs.* Planning staff's estimate is that the current NADMS is about 16%, but more detailed information would be useful.
- **Just as for the White Flint Sector Plan, Council staff recommends developing a transportation approval mechanism and monitoring program for the Gaithersburg West Master Plan within 12 months of adopting the sectional map amendment.**
 - The Planning Board must develop a biennial monitoring program for the Gaithersburg West Master Plan area. This program will include a periodic assessment of development approvals, traffic issues (including intersection impacts), public facilities and amenities, the status of new facilities, and the Capital Improvements Program (CIP) and Growth Policy as they relate to Gaithersburg West. The program should conduct a regular assessment of the staging plan and determine if any modifications are necessary. The biennial monitoring report must be submitted to the Council and Executive prior to the development of the biennial CIP.
 - The Planning Board must establish an advisory committee of property owners, residents and interested groups (including adjacent neighborhoods in Gaithersburg and Rockville), with representation from the Executive Branch, that are stakeholders in the redevelopment of the Plan area—to evaluate the assumptions made regarding congestion levels, transit use, and parking. The committee's responsibilities should include monitoring the Plan recommendations, monitoring the CIP and Growth Policy, and recommending action by the Planning Board and County Council to address issues that may arise. The Greater Shady Grove TMD Advisory Committee may best fulfill this role.

Before Stage 2. The Draft Plan recommends the following:

- *Fully fund construction of the CCT, including the proposed realignment through the LSC, from the Shady Grove Metro Station to Metropolitan Grove, in the County's 6-year CIP or the State CTP. Council staff concurs.*
- **Council staff recommends creating a new LSC Policy Area with a Local Area Transportation Review (LATR) standard of 1600 Critical Lane Volume (CLV), or its equivalent.** At this point the 1600 CLV would be appropriate, since the CCT would be 'countable' under the Growth Policy.
- *Fully fund relocation of the Public Safety Training Academy from LSC West to a new site. This reflects what is most likely to occur.* The design of the relocation is in the Executive's Recommended CIP for FYs11-12 and, if the Council programs construction as an amendment next year (with Interim Financing) the Department of General Services's schedule anticipates occupancy in late 2013 (early FY14).
- *Fund the LSC Loop trail in the County's 6-year CIP and/or through developer contributions as part of plan approvals. Council staff concurs.* This is type of place-making element that is appropriate for a staging plan.
- *Achieve a 5% increase over the baseline for the non-driver mode share.* Rather than establish an increase over an unknown baseline, the goal should be set at a precise, achievable level. Recall that at this point the CCT does not yet exist, and that there will only be an additional 400,000 sf of commercial development and 1,000 new dwelling units in Stage 1. **Council staff**

recommends that a weight-averaged NADMS goal of 18% must be attained. In the morning peak period, of those employees and residents in the planning area commuting to work, 18% must arrive by means other than driving. This is the first of several steps to reach the 30% goal.

Before Stage 3. The Draft Plan recommends the following:

- *CCT is under construction from Shady Grove Metro Station to Metropolitan Grove. Council staff recommends instead that the CCT be completed and operating between Shady Grove and Metropolitan Grove.* If before Stage 2 the CCT is to be programmed for completion within 6 years, then it should be completed and operating about 6 years later.
- *Construct and open at least one public street (such as Medical Center Drive extended) across LSC West and Belward to provide a direct connection across major highways and between the districts, contributing to place-making and connectivity. Council staff concurs—not for transportation capacity purposes but for place-making reasons.*
- *Fully fund construction of the following two interchanges, or other transportation project(s) providing equivalent mobility and capacity in the County’s 6-year CIP or the State CTP: Sam Eig Highway at Great Seneca Highway, and Great Seneca Highway at Key West Avenue. Council staff recommends deleting this requirement.* Transportation capacity improvements (except the CCT) should not be requirements in the staging plan—instead they should be determined by the Growth Policy, for the reasons described above. Also, the Planning Board has indicated the second of these two interchanges is no longer needed and so should be dropped from the Plan.
- *Achieve a 10% increase over the baseline for non-driver mode share. Council staff recommends that a weight-averaged NADMS goal of 23% must be attained.*

Before Stage 4. The Draft Plan recommends the following:

- *Begin operating the CCT from the Shady Grove Metro to Clarksburg. Council staff recommends instead that the CCT be funded for completion to Clarksburg within the County’s 6-year CIP or the State’s 6-year CTP.* Requiring the CCT to be operating to Clarksburg before the first approvals are given is too stringent for this (by far the largest) stage. On average, development occurs more than 6 years after it is approved at subdivision, so it is likely that the first set of developments in Stage 4 will not be occupied and generating commuters until the CCT is open to Clarksburg.
- *Fully fund the widening of Key West Avenue, or other transportation projects providing mobility and capacity, in the County’s 6-year or the State CTP. Council staff recommends deleting this requirement.* This requirement is so general that it doesn’t provide any real guidance. The Growth Policy’s transportation tests perform this function better, anyway.
- *Complete construction of the 2 highest priority interchanges identified as prerequisites to Stage 3. Council staff recommends deleting this requirement* (see the third bullet in Stage 3).
- *Fully fund construction of the following 3 interchanges, or other transportation project(s) providing equivalent mobility and capacity, in the County’s 6-year CIP or the State CTP: Shady Grove Road at Key West Avenue; Same Eig Highway at Diamondback Drive; and Great Seneca Highway at Muddy Branch Road. Council staff recommends deleting this requirement, for the same reasons mentioned above.*

- *Achieve a 15% increase over the baseline for non-driver mode share. Council staff recommends that a weight-averaged NADMS goal of 28% must be attained.*

Note that our recommendations would not require reaching the 30% buildout before Stage 4. This is because nearly half the yet unapproved development would occur in Stage 4 itself. As discussed in the White Flint Sector Plan, transit mode share gains would occur once much of the development density has taken place, which will justify even more intensive and frequent bus service to the planning area. (In White Flint the build-out mode share goal is 50%, but the requirement before the last stage is 42%.) Furthermore, extending the CCT to Clarksburg should provide a boost to the transit mode share.

5. *Plan Evaluation* (p. 68). The Draft Plan recommends reviewing the plan about 6 years after adoption, and revisiting the plan regularly afterwards. The Draft Plan recommends reviewing the CCT's delivery schedule, traffic generation and roadway performance, the jobs/housing balance—are local workers occupying the housing, the built form's evolution, absorption rates to determine the rate of needed infrastructure delivery, costs to the County, and the area institutions' investment in the Plan's vision.

Council staff instead proposes establishing the biennial monitoring program and advisory group that were recommended above as pre-Stage 1 requirements.

6. *Park on Belward Farm*. In addition to the elements already in the Master Plan, Council staff believes that the construction of parks that are crucial to the quality of life for area residents should be added to the Plan. In particular, **Council staff proposes that the park recommended for the west side of the Belward Farm should be built before the Planning Board approves more than 25 percent of the total development allowed on the property.** The Planning Department should be asked to consider whether a similar provision should be added for any of the other parks recommended in the Master Plan.

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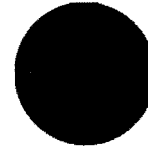
MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverly K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

March 9, 2010

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PHOTOGRAPHY UNIT

The Honorable Nancy Floreen
President, Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

Dear Council President Floreen:

The Maryland Transit Administration (MTA) testified at the Planning, Housing and Economic Development (PHED) Committee meeting on February 1, 2010 on the subject of alignment alternatives for the Corridor Cities Transitway (CCT) in the vicinity of the Belward Farm. At the meeting, Mr. Rick Kiegel, CCT Project Manager, presented several alternative alignments that MTA is investigating as avoidance or minimization options to ensure compliance with federal environmental requirements. I want to take this opportunity to reiterate those comments in writing and provide an update on the current project activities.

As you may recall, in three areas along the CCT corridor local planning and development activities have justified a revisiting of the alignment identified in the Draft Environmental Impact Statement. In particular, evaluation of new alignments at the Crown Farm, the Shady Grove Life Sciences Center and Kentlands are underway in a Supplemental Environmental Impact Statement (SEIS). Based on feasibility work completed and reported to the County Council in October 2009, MTA concluded the Crown Farm and Life Sciences Center re-alignments have a strongly positive impact on the CCT's ridership and cost effectiveness. This more than offsets the increase in the capital cost of the project. The SEIS will consider the impacts of these alignments and measures to avoid or mitigate the impacts in the context of federal environmental requirements. MTA is anxious to begin the public involvement component of the SEIS, so prompt action by the County Council on the proposed Gaithersburg West Master Plan (GWMP) will allow this work to begin.

With regard to Mr. Kiegel's testimony at the PHED Committee meeting about alignments for the CCT in vicinity of the Belward Farm, MTA previously coordinated with the Maryland Historical Trust to assess the eligibility of the Belward Farm for listing on the National Register of Historic Places. Since the draft GWMP alignment traverses the Belward Farm, MTA is required to identify alignments that avoid or minimize impacts to the property.

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Mr. Kiegel testified to this effect and described the alternative alignments being considered. In addition to the alignment that traverses the farm, an avoidance option would cross Key West Highway at Johns Hopkins Drive in a northerly direction then turn right onto Belward Campus Drive returning to the Master Plan alignment near Decoverly Drive and a minimization option would cross Key West Highway in a northwesterly direction to a location behind the existing office building on Johns Hopkins Drive then travel along the Belward Farm property line returning the Master Plan alignment near Sam Eig Highway.

MTA believes that the alignment and station location proposed in the GWMP would best support the goals and vision of the development, but that any of the three alignments and related station locations would satisfactorily serve the proposed development.

During his testimony, Mr. Kiegel was also asked about the U.S. Department of Transportation's recent actions regarding cost effectiveness criteria on New Starts transit project ratings. DOT rescinded a policy requiring that transit projects seeking New Starts funds receive a "medium" rating for cost effectiveness, the ratio of project cost to its benefits. According to a letter from the Secretary of Transportation, the Federal Transit Administration will return to the statutory framework which provides comparable but not necessarily equal weight to "project justification" of which cost effectiveness is one component and "local financial commitment."

This change in the project evaluation process will balance cost effectiveness with other important project characteristics such as how much the project serves people without cars; improvements to air quality; and economic development benefits. These other benefits are key to fostering Smart, Green & Growing communities across Maryland. Because all of Maryland's projects were deliberately planned to comply with the prior policy with its emphasis on cost effectiveness, the policy change will have no immediate effect on Maryland projects.

At the same time, this change in thinking at the FTA will not reduce the competition for the federal transit funds available for major projects and may, in fact, increase the competition by allowing previously non-competitive projects to continue. It will also not increase the federal share of project funding, so any increases in project cost will need to be met with State funds which are not readily available. For these reasons, MTA will need to carefully consider modification to the projects that will increase their costs.

The Honorable Nancy Floreen
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Thank you for your continued support of the CCT and other transit initiatives in Montgomery County. If you have any questions regarding these preliminary results, please contact me at 410-767-3787 or by email at dratcliff@mta.maryland.gov.

Sincerely,



Diane H. Ratcliff, Director
Office of Planning and Programming

cc: The Honorable Michael Knapp, Chair, Planning, Housing and Economic Development
Committee, Montgomery County Council
Mr. Donald Halligan, Director, Office of Planning and Capital Programming, MDOT
Mr. Henry Kay, Deputy Administration for Planning and Engineering, MTA
Mr. Rick Kiegel, CCT Project Manager, Office of Planning, MTA
Mr. Gregory Slater, Director, Office of Planning and Preliminary Engineering, SHA

Resolution No.: 15-1432
Introduced: October 18, 2005
Adopted: May 2, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Executive and County Council

SUBJECT: Establishment of a Transportation Management District in Greater Shady Grove with the Authority Given to Charge a Transportation Management Fee on New or Existing Development

Background

1. Montgomery County Code, 2004 as amended, sections 42A - 10 through 30 provides for transportation management in Metro Station Areas and authorizes the County to create Transportation Management Districts (TMDs). These provisions allow flexibility in terms of establishing boundaries to include Metro station planning areas, appointing advisory committees, reporting annual performance of TMDs, and financing of TMD activities.
2. Section 42A-22 of the Montgomery County Code provides that new development is important to stimulate the local economy and that focusing new development in highly transit serviceable areas is a County land use and economic development objective. Transportation demand management will help provide sufficient transportation capacity, reduce the demand for roads, promote traffic safety and pedestrian access, and help reduce vehicular emissions, energy consumption, and noise levels. Transportation demand management will also equitably allocate responsibility for reducing single-occupancy vehicle trips among government, employers, property owners, and the public.
3. In 1996, Council directed the creation of a TMD in the Shady Grove vicinity as part of its Shady Grove Sectional Map Amendment process. Planning Commission staff recommended TMD boundaries follow those of the Shady Grove Study Area Master Plan of 1990 and include new development in Rockville and Gaithersburg. These boundaries included the Shady Grove Metro Station Policy Area and the R & D Village Policy Area and major areas of commercial development. Planning Commission staff also recommended an initial program of services including carpool/vanpool matching, a transportation demand management educational outreach program with employers and building owners, and monitoring. This resolution implements the Council's directive.

4. The Department of Public Works and Transportation (DPWT) conducted extensive background work for establishment of the Greater Shady Grove TMD. Public forums and briefings were held with the business community, civic representatives, and members of the general community to explain TMD purposes and operations and to apprise them of the progress in implementing the TMD for Shady Grove. Elected officials and appropriate staff from the County, and the cities of Gaithersburg and Rockville were also briefed on several occasions. Negotiations were conducted over an extended period of time with representatives of both municipalities regarding participation in the proposed TMD, including operational and funding mechanisms.
5. The Department of Public Works and Transportation (DPWT) may use a Transportation Management Organization (TMO) to assist it in providing services to implement transportation demand management. In addition to use of the fees authorized in this resolution, the Department may provide additional revenues from other sources to fund these services. The level of transportation management demand services in the Greater Shady Grove TMD will be provided in accordance with the amount of funds available to pay for the services. It is expected that as development, and corresponding revenues, in the TMD increase, the level of services provided will also increase.
6. While the cities of Gaithersburg and Rockville are included within the boundaries of the Greater Shady Grove TMD, their participation in the TMD is intended to be reflected in agreements with each municipality. TMD services will only be provided within the municipalities to the extent that they have entered into agreements with the County and paid their proportionate share of the costs of such services.
7. Montgomery County Code 2004, as amended, Section 42A-24 enables the Council to authorize use of traffic mitigation plans in a TMD. This resolution authorizes the Director of DPWT to require the submission of traffic mitigation plans.
8. DPWT and the Planning Board may jointly impose reasonable transportation demand management measures as conditions on the Board's approval of development in the Greater Shady Grove TMD. These measures can include the requirement of traffic mitigation agreements in accordance with Chapter 42A of the County Code.
9. The TMO must annually monitor transportation demand management in the Greater Shady Grove TMD. A biennial report must be submitted by the TMO to the Director of DPWT by December 1 of each even-numbered year. The Director of DPWT must transmit the report to the Executive, the Greater Shady Grove Transportation Management Advisory Committee, and the Planning Board pursuant to Sector 42A-27 of the County Code, 2004, as amended. The Director of DPWT may recommend to the Executive corrective action if any peak period (the three hours of highest transportation use in the morning and evening) commuting goals set forth in the Annual Growth Policy are not met within a reasonable period of time after the establishment of the TMD.

Action

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

1. Under Chapter 42A-23 of the Montgomery County Code, 2004 as amended, the Greater Shady Grove Transportation Management District (TMD) is established. Its boundaries include the Shady Grove Metro Station Policy Area as well as the R&D Village Policy area and portions of the cities of Rockville and Gaithersburg. Boundary lines are defined on Attachment A of this resolution.

2. Pursuant to Section 42A-29(a)(1) and (2) of the Code, the Department of Public Works and Transportation (DPWT) is hereby authorized to charge a Transportation Management Fee in the Greater Shady Grove TMD to:

all applicants who file an application for subdivision or optional method development approval in the Greater Shady Grove TMD under the Alternative Review Procedures in the Annual Growth Policy, and each successor in interest; and

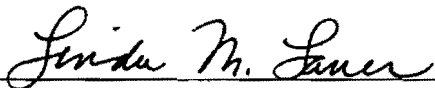
all applicants for subdivision or optional method development approved after the Sectional Map Amendment of June 11, 1996, and each successor in interest; and

owners of existing commercial and multi-unit residential development.

3. The Director of DPWT may require traffic mitigation plans in the Greater Shady Grove TMD in accordance with Section 42A-24 of the County Code.

4. Under authority of Section 42A-23(e) of the County Code, a Greater Shady Grove Transportation Management District Advisory Committee will be appointed by the Executive and confirmed by the Council, according to a structure to be designated by Executive Regulation.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

APPENDIX A

**BOUNDARIES OF THE GREATER SHADY GROVE
TRANSPORTATION MANAGEMENT DISTRICT**

Beginning at a point on the west line of I-270 at its intersection with the west line of Muddy Branch Road and running southeast along the west line of I-270 to its intersection with the north line of I-370;

then east along the north line of I-370 to its intersection with the western boundary of Parcel "C" (N881) as shown on Plat 9659;

then in a northeasterly direction along the western boundaries of Parcel "C" (N881), the Right of Way of Nancy Place, and Parcel "B" (N738) to the west boundary of the Right of Way of Frederick Road (MD 355) as shown on Plat 9659;

then crossing directly Frederick Road (MD 355) to the southwestern-boundary of the remainder of Parcel "D" as shown on Plat 20275,

then continuing along the Right of Way line of I-370 in a southeasterly direction to the south corner of the remainder of Parcel "D" (Plat 20275), then continuing in a northeasterly direction along the Right of Way line of I-370 to the south line of Parcel P385;

then northerly along the west boundary of Parcel P385, Parcel K (N327), Parcel P266, Parcel E (N211), Parcel G (000), and Parcels P103, P048, N007, N977, P925, and P913;

then northerly along the west boundary of Parcel K (N327), Parcel P266, Parcel E (N211), Parcel G (000), and Parcels P103, P048, N007, N977, P925, and P913;

then continuing northeasterly along the western boundary of Parcel P871 and north along the west boundary of Parcel P817;

continuing in a northern direction along the west boundary of Parcel P762;

continuing easterly along the northwest boundary of Parcel P762;

then crossing directly Oakmont Road and the CSX Railroad to the western-most corner of Parcel P747;

continuing northeast along the northwest boundary of Parcel P747;

then southeast along the northeast boundary of Parcels P747, Parcel P743 and Parcel P131;

continuing in a southerly direction along the east arc boundary of Parcel P131 to Parcel N730;

then running in a southerly direction along the west boundary of Parcel N730 to the north line of I-370;

then east along the north line of I-370 to its intersection with Shady Grove Road;
continuing along the east line of I-370 to its intersection with the north line of Crabbs Branch Way;

then southeast along the east line of Crabbs Branch Way to its intersection with the north boundary of Parcel 'N' (Plat 14070);

then running east along the north boundary of Parcel 'N';

continuing south along the east boundary of Parcels 'N', 'M' (Plat 14070) and 'A' (Plat 13887) to the southeast boundary of Parcel 'A';

then crossing Monona Drive directly to the northwest corner of Parcel P960;

then running east along the north and northeast boundaries of Parcel P960 to the intersection with north boundary of Parcel N075;

then running in an east and southerly direction with the north boundaries of Parcels N075 and N136;

then running southwest with the southeast boundary of Parcel N136 to the northern line of Gude Drive East;

continuing in a direct line across Gude Drive East to the northwest corner of Parcel N353 at the south line of Gude Drive East;

then west along the south line of Gude Drive East to the intersection with the east line of the CSX Railroad tracks;

then south along the east line of the CSX Railroad tracks to an extension of the north line of College Parkway;

then following the extension of the north line of College Parkway in a southwesterly direction to the north line of Rutgers Street;

then following the north line of Rutgers Street to the east line of Yale Place;

then following the east line of Yale Place to the south line of Gude Drive West;

continuing westward along the south line of Gude Drive West to its intersection with the west line of I-270;

then south along the west line of I-270 to its intersection with the west line of West Montgomery Avenue;

then following the west line of West Montgomery Avenue in a northerly direction to the south line of Darnestown Road;

then west along the south line of Darnestown Road to its intersection with the east line of Shady Grove Road;

then following the east line of Shady Grove Road to its intersection with the eastern boundary of Parcel P781;

then following the eastern boundary of Parcels P781 and P840 in a southerly direction;

then continuing along the south boundaries of Parcel P840 to its intersection with the east line of Willow Tree Drive;

then following the east line of Willow Tree Drive north to a point directly opposite the southeast corner of Lot 214 of Willows of Potomac, Block D (Plat 18778);

then following directly across Willow Tree Drive to the above-referenced point;
then continuing along the east boundary of Lot 214 described above;

continuing along the southeastern boundary of Traville, Block B, Parcel E (N850) (Plat 22293) to its intersection with Traville, Block B, Parcel D (N983), also shown on Plat 22293;

then following the boundary of Parcel D in a south and westerly direction to the intersection with Parcel N862;

continuing in a westerly direction along the southern boundary of Parcel N862;

then north and west along the west boundaries to the east line of Shady Grove Road;

then following a direct line across Shady Grove Road to the southeast point of Parcel P836 at the west line of Shady Grove Road;

continuing northwest on the south boundary of Parcel P836 to the west boundary;

then following the west boundary in a northerly direction to its intersection with Parcel P834;

continuing in a westerly direction along the south boundary of Parcel P834 to its west boundary;

then northerly along the west boundary to Parcel N777;

then westerly along the south boundary of Parcel N777 to the east line of Travilah Road;

then following directly an extension of the south boundary of Parcel N777 to a point on the west line of Travilah Road;

then following the west line of Travilah Road to its intersection with the south line of Darnestown Road;

then westward along the south line of Darnestown Road to its intersection with the west line of Quince Orchard Road;

then northeast along the west line of Quince Orchard Road to its intersection with the east line of Great Seneca Highway;

then following the north line of Quince Orchard Road to a direct line to the north line of Dosh Drive, continuing along the north line of Dosh Drive to its intersection with the east line of Quince Orchard Road;

then northeast following the east line of Quince Orchard Road to its intersection with the south line of Parcel P067;

then continuing along the south boundaries of Parcels P067 and P95 and the western edge of NIST to its intersection with the east boundary of Parcel P95 and the western boundary of NIST;

continuing in a northeast line along the NIST boundary to its intersection with the northern boundary of Parcel P015;

then continuing west along the northern boundary of Parcel P015 to its intersection with the east line of Quince Orchard Road;

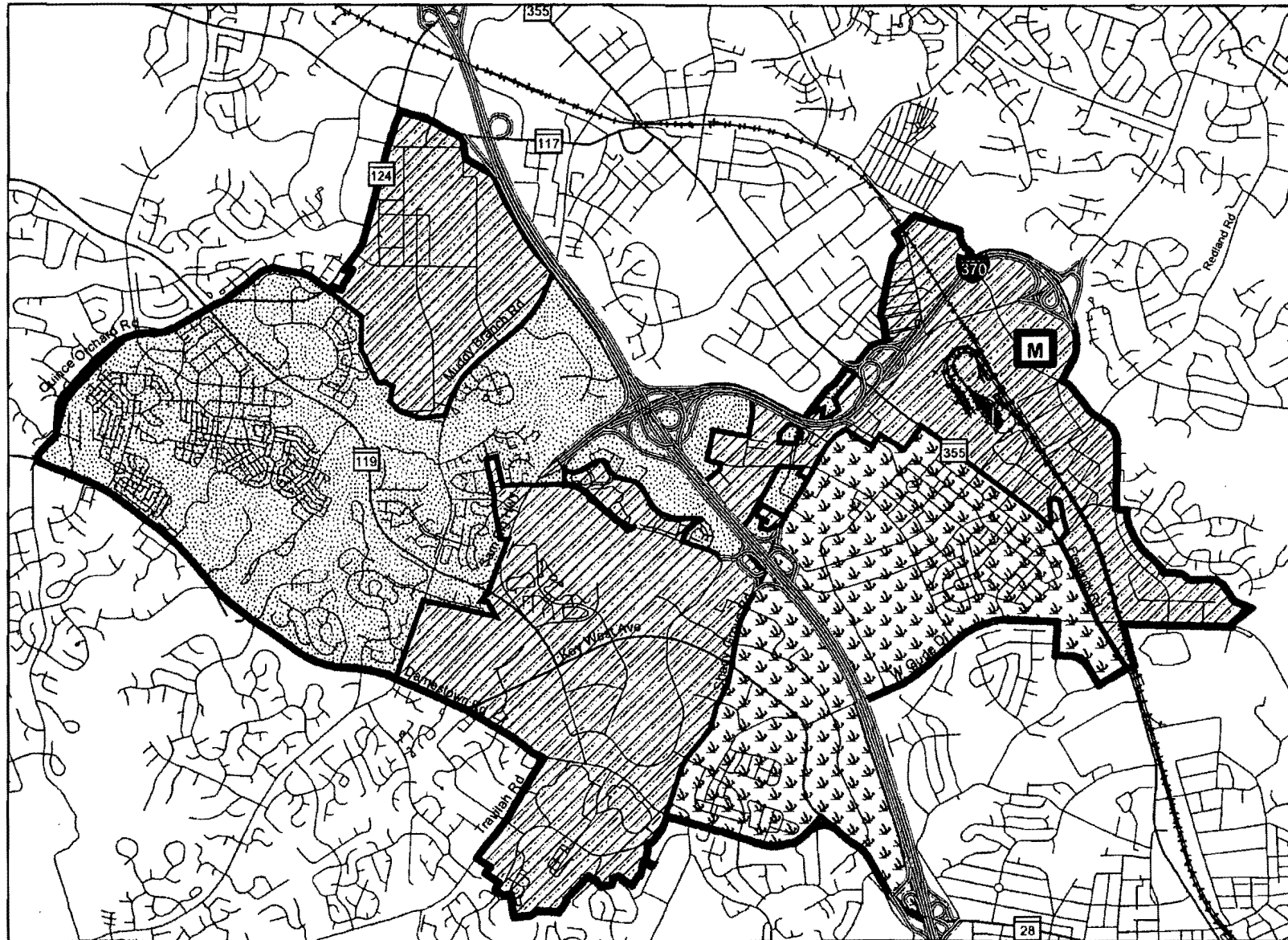
then proceeding northeast along the east line of Quince Orchard Road to its intersection with the south line of Diamond Avenue and the northern boundary of NIST;

then continuing southeast along the northern boundary of NIST to its intersection with the east boundary of NIST and the west line of I-270 ;

then proceeding south along the eastern boundary of NIST to the point of beginning, which is at the west line of I-270 at its intersection with the west line of Muddy Branch Road.

There shall also be included in the foregoing described area any lot partially within and partially without such area that is zoned for commercial or multi-unit residential use.

Greater Shady Grove Transportation Management District (TMD)

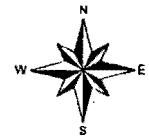


Roads/Streets

- Interstates
- State Roads
- Major Roads
- Minor Roads
- Railroads

JURISDICTIONS

- Montgomery County
- Gaithersburg
- Rockville



The Greater Shady Grove TMD includes properties within Montgomery County as well as the cities of Rockville and Gaithersburg. TMD services will be provided within the Cities of Rockville and Gaithersburg to the extent that each municipality enters into financial agreements with Montgomery County. Commercial and residential developments will be subject to the laws of each municipality with regard to TMD participation.

Montgomery County
 Department of Public Works & Transportation
 Office of Project Development
 February 28, 2006

