

T&E COMMITTEE #2
January 12, 2015

MEMORANDUM

January 8, 2015

TO: Transportation, Infrastructure, Energy and Environment (T&E) Committee
FROM: ^{GO} Glenn Orlin, Deputy Council Administrator
SUBJECT: Resolution to establish a White Oak Transportation Management District

The White Oak Science Gateway Master Plan approved by the Council on July 29, 2014 called for the creation and funding of a White Oak Transportation Management District (TMD) as soon as practicable. Following from this directive, Councilmember Leventhal requested Council staff to draft a resolution that would create a White Oak TMD; that resolution is attached on ©1-3. As with the five existing TMDs—North Bethesda, Silver Spring, Bethesda CBD, Friendship Heights, and Great Shady Grove—this resolution lays out the basic responsibilities of the TMD, authorizes on whom a TMD fee may be levied, and sets the composition of the TMD’s advisory committee. Prior to crafting this resolution Councilmember Leventhal reached out to several civic and business stakeholders in White Oak for their input, particularly on the composition of the advisory committee.

The Master Plan recommends a 25% non-auto-driver mode share (NADMS) for all new development in the White Oak Center and Hillandale Centers, and 30% NADMS in the Life Sciences/FDA Village Center. The resolution would be improved by explicitly referencing these mode share goals. **Council staff recommendation: Approve the resolution as introduced, except to add the mode share reference in the third paragraph of the Background section, as follows:**

3. On July 29, 2014 Council directed the creation of a TMD in the area as part of its approval of the White Oak Science Gateway Master Plan. The Plan recommended a non-auto-driver mode share (NADMS) for all new development in the White Oak Center and Hillandale Centers, and 30% NADMS in the Life Sciences/FDA Village Center. The TMD’s boundary follows that of the White Oak Policy Area in the 2012-2016 Subdivision Staging Policy, as amended. Planning Board 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.

Approval of this resolution is the first of three legislative actions necessary to both create and fund a White Oak TMD. The second action is to amend the Council's resolution that sets transportation fees, charges, and fares in order to levy a specific White Oak TMD fee. The fee does not have to be charged to all properties the Council is authorized to charge. For example, most of the other five resolutions authorize the Council to charge a fee on existing and new multi-family residential and commercial (i.e., non-residential) development; however, to date the Council consistently has levied the fee only on commercial development that has come on line since the TMD was established and on existing commercial development that was approved by the Planning Board on the condition that it pay a TMD fee once the TMD was established. The fee rate has remained the same over the years and across all TMDs: \$0.10/sf of gross floor area. The third legislative action is to approve an appropriation that would fund the TMD's personnel and operating expenses.

The Committee should begin to discuss whether to fund the TMD soon—say, starting in FY 2016—or later, when more of the new development is anticipated. For example, the last TMD to be created, Greater Shady Grove, was approved in 2006, but its TMD fee and first appropriation was not approved until FY 2012.

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Resolution No. _____
Introduced: November 25, 2014
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Establishment of a Transportation Management District in the White Oak Policy Area 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-21 through 30 provides for transportation management 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. On July 29, 2014 Council directed the creation of a TMD in the area as part of its approval of the White Oak Science Gateway Master Plan. The TMD's boundary follows that of the White Oak Policy Area in the 2012-2016 Subdivision Staging Policy, as amended. Planning Board 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 Transportation (DOT) 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 White Oak 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.
5. 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 DOT to require the submission of traffic mitigation plans.
6. DOT and the Planning Board may jointly impose reasonable transportation demand management measures as conditions on the Board's approval of development in the White Oak TMD. These measures can include the requirement of traffic mitigation agreements in accordance with Chapter 42A of the County Code.
7. The TMO must annually monitor transportation demand management in the White Oak TMD. A biennial report must be submitted by the TMO to the Director of DOT by December 1 of each even-numbered year, starting in 2016. The Director of DOT must transmit the report to the Executive, the White Oak Transportation Management Advisory Committee, and the Planning Board pursuant to Section 42A-27 of the County Code, 2004, as amended. The Director of DOT 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 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 White Oak Transportation Management District (TMD) is established. Its boundary is coincident with the White Oak Policy Area in the 2012-2016 Subdivision Staging Policy, as amended.
2. Pursuant to Section 42A-29(a)(1) and (2) of the Code, the Department of Transportation (DOT) is hereby authorized to charge a Transportation Management Fee in the White Oak TMD to:

all applicants who file an application for subdivision or optional method development approval in the White Oak TMD under the Alternative Review Procedures in the Subdivision Staging Policy, and each successor in interest; and

all applicants for subdivision or optional method development approved after the Sectional Map Amendment effective October 31, 2014, and each successor in interest; and

owners of existing commercial and multi-unit residential development.

3. The Director of DOT may require traffic mitigation plans in the White Oak TMD in accordance with Section 42A-24 of the County Code.
4. Under authority of Section 42A-23(e) of the County Code, a White Oak TMD Advisory Committee will be appointed by the Executive and confirmed by the Council. The Advisory Committee must consist of nine voting members and four nonvoting representatives. The voting members will consist of:
 - a. Two members from the area within the TMD north of Paint Branch, at least one of whom represents employers there;
 - b. Two members from the area within the TMD south of Paint Branch, east of new Hampshire Avenue, and north of the Food and Drug Administration, one of whom must be a resident and one of whom represents an employer;
 - c. Two members from the remaining area within the TMD south of FDA or west of New Hampshire Avenue, one of whom must be a resident and one of whom represents an employer;
 - d. One member representing the Food and Drug Administration; and
 - e. Two members who must be residents of neighborhoods adjacent to the TMD.

The non-voting members will consist of:

- a. A representative from DOT;
- b. A representative of the Planning Board staff;
- c. A representative from the East County Regional Services Center; and
- d. A representative from the County Department of Police.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

T&E COMMITTEE #2
 January 12, 2015
Addendum

MEMORANDUM

January 11, 2015

TO: Transportation, Infrastructure, Energy and Environment (T&E) Committee
 FROM: ^{GO} Glenn Orlin, Deputy Council Administrator
 SUBJECT: **Addendum**—resolution to establish a White Oak Transportation Management District

Late on Friday, January 9 Council staff received the Department of Transportation’s alternative recommendation for the composition of the White Oak TMD Advisory Committee (DOT’s email and proposed revisions are attached as ©1-2). A chart comparing the recommendations follows:

	Resolution as Introduced	DOT’s Recommendation
Total Voting Members	9	13
Residential	4-5	5
Multi-family	no distinction by housing type	(2)
Single- or multi-family		(3)
Non-residential	4-5	8
FDA	(1)	(1)
Silver Spring Chamber of Commerce	(0)	(1)
Private sector employers	no distinction by business type or size	(4)
Large-size employers		((2))
Small-size employers		((2))
Development interests in White Oak		(2)
Geographic Representation of Voting Members		no distinction by geographic area
North of Paint Branch	2	
White Oak Center area	2	
Hillandale area + west of NH Ave.	2	
FDA	1	
Neighborhoods adjacent to TMD area	2	
Total Non-Voting Members	4	4
Department of Transportation	1	1
Planning Board staff	1	1
East County Regional Services Center	1	1
Department of Police	1	1

DOT also recommends adding a fifth action section addressing the terms of the members (bottom of ©2).

Council staff supports the composition as introduced. A 13-member advisory committee (including the 4 non-voting members) would be more effective than a 17-member one: each member would have more opportunity to participate, and it would be easier to administer. Also, given the three distinct geographic regions within White Oak, assuring representation from each area is critical. It is also important to include explicitly some representation from neighborhoods immediately adjacent to the TMD area (as is the case with some of the other TMDs), since they will also be affected by traffic generated within the TMD area. The Executive has the opportunity to appoint members within the residential and non-residential categories to balance out developer/small business/large business interests, as well as multi-family/single-family interests.

Council staff concurs with DOT's proposed Action Section 5 regarding term provisions, with two revisions: that the term provisions apply only to the voting members; and, in subpart (b), that the Executive may designate up to four members (not five) to serve for only two years.

Mr. William Kominers emailed on January 11 noting that there should be a correction and clarification to Background paragraph 3, as follows: "The Plan recommended at full build out, cumulative non-auto driver mode shares (NADMS) of 25% for all new development in the White Oak and Hillandale Centers, and 30% NADMS in the Life Sciences/FDA Village Center." **Council staff concurs.**

Finally, last Thursday evening Eileen Finnegan emailed to request that Background Section 7 be revised to include a requirement that the TMD's biennial report contain info on (1) the level of congestion on road links and intersections, and (2) residential cut-through traffic. **Council staff concurs;** these are subjects that were discussed during the deliberation on the master plan last summer.

Orlin, Glenn

From: Wolanin, Emil
Sent: Friday, January 09, 2015 3:24 PM
To: Orlin, Glenn
Cc: Roshdieh, Al; Gonzalez, Edgar; Brecher, Sandra; Golden, Michelle A.
Subject: Resolution for White Oak TMD
Attachments: White Oak TMDAC.docx

Importance: High

Glenn – there is a resolution being considered by the T&E Committee on Monday January 12 authorizing creation of the White Oak Transportation Management District.

In the Action portion, Item #4 contains specifics on the composition of the TMD Advisory Committee. DOT would like the Committee to consider an alternate composition of the proposed committee. Our proposal is to be 13 members, and broaden the diversity of the committee to include representation from single-family residential and multi-family uses, large and small size employers and development interests. We would appreciate if this could be presented to the Committee for consideration.

For reference, below are the sizes of the other TMD Advisory Committees:

Bethesda TMD = 11
Silver Spring TMD = 12
Friendship Heights TMD = 14
Greater Shady Grove TMD = 14 (proposed)
North Bethesda TMD = 18

Thanks
Emil

Emil J. Wolanin, Acting Deputy Director
Montgomery County Department of Transportation

**Proposed Resolution to Establish White Oak TMD
White Oak TMD Advisory Committee**

MCDOT Proposal for changes to composition of voting members & terms

4. Composition. Under authority of Section 42A-23(e) of the County Code, a White Oak TMD Advisory Committee (WOTMDAC) will be appointed by the Executive and confirmed by the Council. The Advisory Committee shall be comprised of 13 voting members and certain non-voting representatives. The voting members will represent a cross section of employer, developer and residential stakeholders:

- a. Four members must be representatives of private sector employers within the WOTMD, with two representing large size employers, and two representing small size employers.
- b. Two members must be representatives of multi-unit residential complexes within the WOTMD.
- c. Three members must be residential representatives.
- d. One member must be a representative of FDA.
- e. Two members must be representative of development interests within the TMD.
- f. One member must be a representative of the Greater Silver Spring Chamber of Commerce.

The non-voting members will consist of:

- a. A representative from MCDOT;
- b. A representative of the Planning Board staff;
- c. A representative from the East County Regional Services Center; and
- d. A representative from the County Department of Police.

5. Term Provisions: WOTMDAC voting members serve for a period of three years beginning July 1. However, when the WOTMDAC is first formed:

- a. The period between appointment and the next July 1 is not counted as part of a committee member's term; and
- b. The County Executive may designate up to five members to serve for only two years.
- c. The County Executive may reappoint WOTMDAC members, subject to confirmation by the County Council.
- d. Any appointee provided for herein shall serve until a replacement appointee commences his or her term.