

AGENDA ITEM #6G
January 20, 2015
Action

MEMORANDUM

January 16, 2015

TO: County Council

FROM: ^{GO} Glenn Orlin, Deputy Council Administrator

SUBJECT: **Action**—resolution to establish a White Oak Transportation Management District

T&E Committee recommendation (3-0): Approve the revised resolution on ©6-9.

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 Department of Transportation provided comments on the composition of the TMD's Advisory Committee (©4-5). The Transportation, Infrastructure, Energy & Environment (T&E) Committee deliberated on these and other comments received, and it recommends the following changes to the resolution as introduced:

- Increase the number of voting members from 9 to 13. Of the 13 voting members 6 would represent private sector employers within the TMD area and one would represent the Food and Drug Administration. There would be 6 resident members: three within the TMD area and three from neighborhoods outside of, but adjacent to the TMD area. Within the TMD area there would be: one resident from the area north of Paint Branch; one from the area north of FDA, east of New Hampshire Avenue, and south of Paint Branch; and one from the area south of FDA or west of New Hampshire Avenue.
- Add Action Section 5, standard in most other TMD resolutions, describing the terms of committee members.
- Add Action Section 6, also standard in most other TMD resolutions, describing the duties of the Advisory Committee.
- Include the master plan's mode share goals in Background Section 3.
- Include in Background Section 7 the requirement that the biennial report contain monitoring information on congestion and residential cut-through traffic.

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 Sector 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

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.

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

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

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Background

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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 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 for all new development 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.

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 biennial report must contain information on the level of congestion on road links and intersections, and on residential cut-through traffic. 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

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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] thirteen voting members and four nonvoting representatives. The voting members will consist of:
 - a. [Two members] One member who is a resident [from] in the area within the TMD north of Paint Branch[, at least one of whom represents employers there];
 - b. [Two members] One member who is a resident [from] in 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] One member who is a resident [from] in 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] Three members who must be residents of neighborhoods adjacent to the TMD[.]; and
 - f. Six members representing private sector employers within the TMD area.

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.

5. The Advisory Committee's voting members serve for a period of three years beginning July 1. However, when the Advisory Committee is first formed:
 - a. The period between appointment and the next July 1 is not counted as part of a committee member's term.
 - b. The County Executive may designate up to five members to serve for only two years.

- c. The County Executive may reappoint committee members, subject to confirmation by the County Council.
 - d. Any appointee will serve until a replacement appointee commences his or her term.
6. The Advisory Committee may advise the TMO, any employer, and any other party with whom the County contracts under this resolution and the County government, on all aspects of programs, management, and finances relating to the transportation system and demand management in the White Oak TMD and its vicinity. Specifically, the committee may:
- a. propose guidelines for traffic mitigation plans;
 - b. monitor implementation of traffic control plans;
 - c. evaluate progress in attaining the commuting goals specified in the Subdivision Staging Policy;
 - d. recommend government, private, or joint actions to facilitate attainment of the commuting goals specified in the Subdivision Staging policy;
 - e. advise the Director of DOT on parking policies;
 - f. review traffic pattern and control measures in the White Oak TMD and vicinity, including neighborhood parking and pedestrian and bicycle access and safety; and
 - g. submit comments and recommendations on the Director's report required under County Code Section 42A-27.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council