




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

July 7, 2025

TO: Kate Stewart, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Transportation Demand Management Legislation

On June 17, 2025, the Montgomery County Council Transportation & Environment Committee introduced Bill 24-25 to repeal Chapter 42A, Article II, Transportation Demand Management (TDM) of the County Code, in its entirety. TDM has the mission to reduce use of single-occupancy vehicles and shift trips to sustainable modes. TDM has been proven through rigorous analyses as a highly cost-effective strategy to achieve the mode shift that the County and the region need to meet our transportation, environmental and climate goals.

The Executive Branch understands the Council's goals to simplify requirements and reduce the burden on County businesses, and we believe that completely repealing Chapter 42A, Article II goes too far. We feel strongly that repeal should not be undertaken without a plan to replace provisions that are crucial to the continued effectiveness of these programs.

Since the 1990s, TDM strategies have been incorporated into development projects and adopted by employers, often with minimal costs. Adoption of these strategies has contributed to the County's efforts to manage growth while reducing traffic congestion and environmental and climate impacts. The County's TDM program achieves a host of benefits through partnerships with businesses and developers: promoting transit, supporting investment in pedestrian and bicycle infrastructure, reducing demand for parking, and protecting communities from cut-through traffic. This partnership from the private sector is critical, as it allows new residents and employees to establish sustainable, multimodal transportation patterns when they move to the County or start a new commute. The cooperative approach between the public and private section that is a hallmark of effective TDM allows the County to manage transportation impacts of growth that cannot be accomplished by the public sector alone.

The Department's Commuter Services Section has been recognized for successful administration of the County's TDM program. In FY24, Commuter Services outreach teams made more than 11,400 direct contacts with employers and conducted a total of 103,000 total contacts with employers using a variety of other outreach methods. The program has been recognized by MWCOC's Commuter Connections program with the "Employer Services Outreach Team Award" three times in the past five years, and multiple times prior to that. Their work has resulted in many County employers receiving regional recognition awards for programs they have implemented to reduce commuting impacts, with at least one County employer receiving a regional award each year for the past ten years. The work of MCDOT and the Commuter Services Section informs the recommendations in this memo.

Key Elements of the Current TDM Law

We acknowledge that the County has revised priorities since 2019, when the most recent changes (dubbed "NextGen TDM") were made a part of the Code. However, NextGen TDM achieved several objectives that are still relevant today.

The 2019 law was developed based on input from a wide range of stakeholders over a two-year process. There were three key goals the development community expressed interest in accomplishing, including:

- Streamline the process: The process for completing and executing the developer Traffic Mitigation Agreements (TMAs) for new developments had at times required extensive multiparty negotiations. The new approach restructured the process into a performance-based checklist where the developer selects the strategies they determine will enable them to reach the goals for that project.
- Provide flexibility: The development community wanted more options for TDM strategies, so they could tailor their choices to the type of project, the geography, and the availability of transportation alternatives. The process now enables a wide range of TDM strategies to be selected, along with other options that can be requested by the applicants.
- Ensure fairness: Developers wanted to be sure that each project within a given area had comparable and consistent requirements. They wanted those requirements to be clear and predictable, instead of being negotiable, including the maximum costs the project would need to expend for their program.

There was also a fourth goal for the process expressed by many stakeholders:

- Increase Effectiveness: Representatives of County residents, and those concerned about environmental and climate impacts, wanted more assurance that the strategies adopted for new projects would enhance the County's ability to achieve its transportation goals.

The resulting NextGen TDM legislation represented the input from expert consultants and stakeholder consensus as to best way to meet these goals.

Concerns with the Current TDM Law

We are aware that there are a number of concerns or confusion about provisions in the current TDM law, causing Council to consider its repeal. To our understanding, the chief concerns or questions are those outlined below.

1. Confusion about requirements for employers or developers: The current law requires developers to produce performance-based TDM Plans, meaning they must demonstrate achievement of Non-Auto Driver Mode Share (NADMS) goals using TDM strategies that they select. To maintain predictability of costs, the law requires a set commitment for the owner to contribute each year to on-site TDM programs. Increases to these contributions only would take effect in later years if goals are not achieved. The current law also describes Employer-based TDM plans, which do not include performance requirements, fees, or requirements to expand programs. In essence, these are two separate programs with different provisions.
2. Expanded geographic areas for employer-based TDM Plans: NextGen contemplated expanding the geographic areas in which TDM would be implemented. Employers, whether located in a TMD or elsewhere, have no requirements to achieve specific goals with their TDM plans. They are only required to do a TDM Plan, which is intended to help them learn about TDM strategies that could impact how their employees commute. MCDOT has established an online system to make it easier to complete these checklist-type plans and to file the Annual Reports required.
3. Application of the law to residential buildings: Developers of multi-unit residential buildings in TMDs that are over a certain size (depending on the Policy Area) are required under current law to complete a TDM Plan. The basic requirements for these Plans are fairly simple and virtually the same as for commercial buildings. Residential TDM Plans are meant to help the County partner with residential buildings on effective TDM strategies; they do not require owners or managers to determine how their residents are commuting, beyond distribution of the County-led commuter survey.
4. Concerns about the Commuter Survey: The Code requires MCDOT to “conduct a commuter survey, or obtain through other available mechanisms, data on commuting by employees and residents within a defined area.” The survey is primarily administered through a unique link sent to employers and managers of residential projects in TMDs, and due to the requirement for a unique geographic area or building, it is difficult to gather the data via other means. The Code states employers/residential managers “must make a good faith effort” to obtain the 40 percent or 50 percent participation rate as an “objective.” These percentages were provided to Council during discussions on the NextGen TDM bill as a means to balance feasibility with statistical validity for smaller

survey participants. MCDOT has not enforced survey compliance based on achieving these percentages, given they are not requirements. The most recent survey concluded on June 30, 2025, and the next survey will not be required until FY27. Implementing the survey has been complicated and obtaining effective participation is challenging. We support removal of legislative requirements for a commuter survey and would work with Council to find more efficient and creative ways to collect mode share data.

5. Enforcement and imposition of fines. The Enforcement section of the current law calls upon MCDOT to enforce all provisions of Article II, with class C violations for failing to comply with certain provisions – including filing Employer TDM Plans and Reports. To date, the Department has continued to work with non-compliant employers to build positive relationships, get information out to employees, and adopt meaningful TDM strategies. The Department has viewed enforcement as a last resort, to be used only when an employer is uncooperative over an extended period of time.

However, the recent audit by OIG focused on employer TDM Plans and Reports and made formal recommendations to proceed with enforcement. MCDOT has agreed to advise OIG regarding proposed enforcement actions for delinquent employers by the end of August 2025.

The above-cited elements of the current law appear to be among the most concerning to members of the Council. The Department is prepared to address these provisions and to submit the new Code language that does not include employer plan requirements, TMDs, a commuter survey, or enforcement.

Executive and Department Concerns with Bill 24-25

Removing the Countywide legislative framework for TDM communicates to businesses, residents, climate advocates, and transportation partners that the County is deprioritizing sustainable modes of transportation and regional partnerships to reduce demand for automobile travel. Without a legislative underpinning, the practical elements of managing a TDM program will be much more challenging, from maintaining coordination with employers and developers to obtaining information from employees about their commuting needs and preferences. Further, the elimination of TDM fees will cut approximately \$1 million per year from outreach activities within parts of the County with the greatest potential to use transit and active transportation modes. This amount constitutes roughly half of the TMDs' Management Districts' outreach contracts annual budget.

MCDOT has been managing the TDM Program under the Commuter Services Section since the 1980s, under varied legislative frameworks. Over time, the Department has found that having a legislative requirement for TDM activities makes a significant difference in terms of the number of people we can reach. Prior to the requirement for employer cooperation in 2002, our outreach teams struggled to obtain contacts with employers. Efforts to provide information or initiate contact were often met with “No Soliciting” and “No time/No interest” responses. While the County can still try to work with these employers and developers absent legislative requirements,

the County's historic experience and the experience of peers suggest that far fewer entities are willing to partner without a legislative basis. MCDOT is concerned that its ability to maintain strong relationships with building owners and employers, who can in turn disseminate information to employees and residents, will be greatly diminished without TDM being an element of the County Code.

MCDOT is also concerned with the negative and inequitable impacts that arise from nullifying existing developer TMAs and TDM plans. In many cases, these plans were included as a condition of development approval, in lieu of a built improvements to offset traffic impacts. For a number of years prior to the NextGen TDM Code revisions, TMAs were the mechanism through which developer TDM requirements were memorialized. A total of about 140 TMAs were approved between the year 2000 and when the new law went into effect. In addition, there have been a total of 13 new developer TDM Plans approved since the NextGen legislation went into effect. These plans are being administered in those projects without any indication of issues causing concerns. Outreach staff are assisting employers, employees and residents in these projects to understand area travel options, keep up to date on transit changes, and benefit from other programs and services available.

The Office of the County Attorney has noted some legal concerns with Bill 24-25, as introduced. First, the requirement to terminate existing agreements in the uncodified sections could be difficult to implement. The County cannot unilaterally terminate an agreement absent a reservation of the right to do so, and OCA would need to review individual agreements to determine if this right was reserved. The ability to release a lien is similarly not usually unilateral; the County would need the signature of the other party to release. Finally, the County needs agreement from the Planning Board to terminate some agreements and release liens, depending on the individual terms. At minimum, this would require additional investigation to quantify the impact, feasibility, and level of effort.

TDM is also included as Action T-9 in the County's 2021 Climate Action Plan (CAP). The action calls for expansion of TDM to cover "most new projects throughout the County, [which] will be required to demonstrate how they will promote non-auto modes." We are concerned that Bill 24-25 removes resources for promoting alternative transportation without any alternative approach to reducing reliance on single-occupancy vehicles.

Finally, including a TDM program in the County Code communicates that mode shift is a shared responsibility. Reaching Non-Auto Driver Mode Share (NADMS) goals cannot be done by government alone; the County needs partnerships from the private sector and residents to effectively meet our goals. Achieving NADMS goals is our County's and our region's lowest-cost way to reduce congestion and greenhouse gas emissions, to ensure the major investments we are making in transit are well-used, and to reduce the need for other costly infrastructure to accommodate traffic.

Outline of Proposed Legislation

As noted above, retaining TDM in the County Code provides important benefits as is important to our ability to operate an effective program. While the current code is complex and potentially confusing, it has been implemented without significant difficulty and the Council has, as an option, retaining the current code. However, if it is the Council's intent to repeal Chapter 42A, Article II, Executive Branch staff is prepared to propose a more streamlined legislative framework for TDM that would consist of the following elements and purposes:

1. **Maintain legislative basis for TDM.** A brief background section establishes the goals of TDM, defines included elements of TDM, and establishes authority for MCDOT to manage TDM, and for the Montgomery County Department of Permitting Services (DPS) and the Planning Board to condition approvals on inclusion of TDM strategies.
2. **Allow TDM as a quantified mitigation measure for trip reduction in Development Review.** Many iterations of the County's growth policy and planning documents have identified TDM as the highest-priority transportation impact mitigation measure. If trip reduction through a TDM plan is a defined element of a project's review under the GIP, ongoing implementation of the TDM plan should be enforceable. Regionally and nationally, most peer jurisdictions require TDM elements as a condition of development approval. Enforcement authority will be shared by the Planning Board and DPS, similar to other development permits and approvals.
3. **Offer an option to transition existing TDM plans and agreements.** TDM plans and agreements included as a condition of approval in existing development plans and traffic mitigation agreements may be transitioned to a new form. In many cases, these elements were included in lieu of built improvements and should be maintained as a means to achieve adequate public facilities.
4. **Retain TDM fees.** MCDOT recommends retaining TDM fees for developments built after 2006 in certain Policy areas as a means to support MCDOT's outreach program and to secure commitment from the owner/applicant to support TDM programs.
5. **Eliminate Defined Transportation Management Districts(TMDs).** Transportation Management Districts are defined in the Code and adopted by Council Resolution. The definition of these specific geographies also adds to potential confusion and administrative burden of TDM. The TMDs overlap with other similar geographies including the Urban Districts, Policy Areas, and Parking Lot Districts. Each TMD also has an advisory committee that requires significant MCDOT staff time but has not proven to be directly impactful to achieving NADMS goals. TDM Outreach is likely to be concentrated in these areas with or without formal designation as TMDs, and the County can rely on other defined geographies and advisory boards. Outreach staff would still be free to solicit input from Urban District/Citizen Advisory Boards, Master Plan

Implementation Committees and Chamber of Commerce committees without the legislative requirement for a Transportation Management District.

Requirements around the DMV Region

As noted, many of our regional peers have some version of TDM requirements, especially in areas that are near Metrorail stations or other transit-rich locations. The Appendices include a summary of TDM programs around the metropolitan Washington region, demonstrating that employers and developers that seek to develop in this region already expect some level of TDM during or post-development. For example, Fairfax County requires developments near Metrorail stations to pay TDM fees(\$0.10 per square foot for commercial space and \$0.05 per square foot for residential spaces) and report annually on mode share. The City of Alexandria requires developers to submit TDM plans with periodic reporting, and the City charges TDM fees for developments over 20 residential units or 10,000 square feet of commercial space. See Appendix C for more information.

Summary

Montgomery County's Transportation Demand Management program has been recognized as a leader in the region, and its programs directly support the County and State's commuting, environmental and climate goals. TDM is an important component of an overall multimodal strategy for managing transportation and growth impacts in the County. While some of MCDOT's TDM programs may be able to continue without a legislative framework, we recommend maintaining the County's official commitment to TDM and its ability to reduce traffic and related environmental and climate impacts – either by amending the current law or by adopting a streamlined TDM approach in legislation that simplifies the program and incentivizes partnerships across public and private sectors.

cc: Cecily Thorne, Chief of Staff to the Council President, Montgomery County Council
Craig Howard, Executive Director, Montgomery County Council
Richard S. Madaleno, Chief Administrative Officer, Office of the County Executive
Ken Hartman-Espada, Assistant Chief Administrative Officer, Office of the County Executive
Tricia Swanson, Director of Strategic Partnerships, Office of the County Executive
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Haley Peckett, Deputy Director of Policy, Department of Transportation

APPENDICES

Documents Related to Transportation Demand Management (TDM)

Appendix A –Developer Level 3 TDM Plan

Sample of Level 3 Plan Using e-Template Provided by MCDOT

(Level 2 Plan Template uses same template with fewer requirements)

Appendix B – Employer TDM Plan

Sample Plan & Annual Report Using e-Template Provided by MCDOT

Appendix C – TDM Provisions in Other Regional Jurisdictions

Appendix A –Developer Level 3 TDM Plan

Sample of Level 3 Plan Using e-Template Provided by MCDOT

(Note: Level 2 Plan Template is similar but with fewer requirements)

Appendix A - Sample of Developer Level 3 TDM Plan - Using e-Template Provided by MCDOT

<p>A Level 3/Results Plan, as shown here, is used for projects over 40K GSF in Red Policy Areas or over 160K in Orange Policy Areas. Ch 42A of the County Code requires Level 3 Projects to ultimately achieve the NADMS goals for that area.</p>	<p>A Level 2/Action Plan uses the same format shown here, but has fewer requirements. It is used for projects 80-160K GSF in Orange Policy Areas, or over 160K GSF in Yellow Policy Areas. Ch 42A requires Level 2 Projects to contribute toward achieving the NADMS goals for that area.</p>
<p>Transportation Demand Management Plan for New Development Project (Project-based TDM Plan) -- Level 3/TDM Results Plan</p>	
<p>PART I. PROJECT DATA</p>	
<p>Development Name</p>	<p>ABC Development Group LLC</p>
<p>Address Line 1:</p>	<p>0000 Main Street</p>
<p>Address Line 2:</p>	<p>Bethesda, MD</p>
<p>Commercial Name (i.e., Solaire, Flats, etc.)</p>	
<p>Development Applicant's Name (include DBA information)</p>	
<p>TMD &/or Master Plan Area:</p>	
<p>Transportation Policy Area:</p>	<p>Bethesda</p>
<p>Subarea/MSPA:</p>	<p>Bethesda CBD</p>
<p>Number of Phases:</p>	<p>1</p>
<p>Type/Uses (Mixed, Residential, Commercial):</p>	
<p># Dwelling Units</p>	<p>Mixed Use</p>
<p>GSF Residential</p>	<p>180</p>
<p>GSF Commercial - Office</p>	<p>180,000</p>
<p>GSF Commercial - Commercial/Retail/Restaurant</p>	<p>20,000</p>
<p>Total Gross Square Footage (GSF):</p>	<p>9,000</p>
<p></p>	<p>209,000</p>
<p>Parking:</p>	
<p>Minimum # required by ZO</p>	<p>120 spaces</p>
<p># Parking spaces for Residents</p>	<p>120 spaces</p>
<p># Parking spaces for Retail or Non-Resident Use</p>	<p>0 spaces</p>

PART III. ACKNOWLEDGEMENT OF TDM PLAN REQUIRED COMPONENTS		APPLICANT NOTES & QUESTIONS
<p>TDM Plan Components per County Code 42A-26 (c) (1) (2) and (3). A Project-based TDM Results Plan must include the Project-Based TDM Basic Plan components # 1-4 below, and TDM Action Plan components 5-11 below. See Executive Regulation 8-16 for details.</p>		<p>Acknowledged The X indicates an understanding of the requirements.</p>
<p>1. <u>Appointment of a Transportation Coordinator/Contact Person.</u> Owner or applicant must designate an individual responsible for assisting and facilitating the Department's efforts to achieve the NADMS goals and other traffic mitigation and commuting goals established for the area. Assistance must include distribution of information on commuting options to the on-site population; coordinating with the Department to conduct on-site commuting-related outreach events; ensuring participation in commuter surveys; attending occasional training sessions for Transportation Coordinators and submitting an annual TDM Plan report.</p>		
<p>2a. <u>Notification (Initial).</u> Owner or applicant must notify the Department of the designated Coordinator's contact information within 30 days of receipt of final U&O certificate.</p>		X
<p>Contact</p>		
<p>Contact Person's Name:</p>		John Smith
<p>Contact Person's Employer (e.g., Management Company Name):</p>		ABC Development Group LLC
<p>Email Address:</p>		John.Smith@abcdevgroup.com
<p>Telephone Number(s):</p>		240-000-0000
<p>Mailing Address Line 1:</p>		0000 Main Street
<p>Mailing Address Line 2:</p>		Bethesda, MD
<p>2b. <u>Notification (changes).</u> Owner must notify the Department of changes to the Coordinator's contact information within 30 days of changes to contact information; and within 30 days of any subsequent change in that designation or contact information.</p>		X
<p>3. <u>Access to the Project.</u> Owner must provide space on-site by prior arrangement with the Department to allow the Department to promote TDM, including participation in commuter surveys.</p>		X
<p>4. <u>TDM Information.</u> Displays of TDM-related information must be placed in a location visible to employees, residents and other project users.</p>		X
<p>5. <u>Selection of Strategies.</u> The Plan must include project-based strategies and demonstrate that the plan is achieving the goals established for the project.</p>		X

PART III. ACKNOWLEDGEMENT OF TDM PLAN REQUIRED COMPONENTS, CONT'D.	APPLICANT NOTES & QUESTIONS
6. Commitment to Fund and Implement Plan. The owner or applicant must commit to fund and implement the Project-based TDM Plan at an adequate level to contribute toward achievement of the commuting goals.	X
7. Self-Monitoring. The owner or applicant must conduct self-monitoring, consistent with Department requirements, to determine if the Project-based TDM Plan is contributing toward achievement of the District's goals. The self-monitoring must be conducted in addition to any monitoring conducted by the Department. Monitoring by a consultant approved by the Department, to determine whether the project is meeting its goals. Monitoring must be done on a regular basis consistent with the Executive Regulations.	X
8. Biennial Report. Progress reports must be provided to the County in alternating years, in a format consistent with Department requirements. First report is due 2 years after date of Final Occupancy.	X
9. Independent Monitoring (after 6 years). In the 6th year following Date of Final Occupancy the owner/applicant must retain an independent consultant to collect data, monitor program implementation, and otherwise provide a comprehensive review of the program, including funds expended and results achieved. The consultant must be selected by the owner and approved by MCDOT.	X
10. Addition/Substitution of Strategies (after 6 years). If strategies initially selected do not result in the project achieving its goals by 6 years after date of Final Occupancy, the Department may require revisions in the project's plan using other strategies proposed by owner or applicant. Owner/applicant must agree to implement the revised strategies if required by the Department at a level consistent with owner's commitment to fund and implement the plan. This process may be repeated until the project demonstrates it is contributing toward achievement of district goals, consistent with the Executive Regulations. Once the NADMS goal or commuting goals have been achieved, the owner must maintain the level necessary to continue achieving the goals.	X
11. Additional Funding Commitment (after 6 years). If the strategies selected by the owner or applicant do not result in achievement of the project goals by six years after Date of Final Occupancy, the Department may require increased funding by the owner for existing or new TDM strategies to be implemented at the project. Additional increases in funding may be required if the goals have still not been achieved by eight years after Date of Final Occupancy. The owner must commit additional funds to supplement on-site strategies if required by the Department. The amount of the additional funding must be as established in the Executive Regulation	X
12. Performance Incentives. The owner may be eligible for annual performance incentives established by the Department for continued achievement of project goals over multiple years, including reductions in TDM fees or other financial benefits, as established by the Executive Regulations.	X

PART IV. SELECTED TDM STRATEGIES		
Additional or new strategies may be added by developers, project owners, applicants, or MCDOT, with approval by the Department.		
MENU OF OPTIONAL STRATEGIES	By checking this box, Applicant commits to implementing the strategy selected	HOW STRATEGY WILL BE IMPLEMENTED & WHEN (within approx. how many weeks or months of opening?)
A. Parking		
1. Provide less than maximum # spaces allowed by Zoning Ordinance	X	SAMPLE RESPONSE: The Applicant commits to provide no more than the 130 maximum spaces for the multi-family rental units. The Applicant will further reduce the total number of parking spaces to up to 120 spaces.
2. Unbundle Parking from Lease Arrangements	X	SAMPLE RESPONSE: There will be a separate charge for multi-family tenants that want parking in the building.
3. Provide Market-Rate Parking for Employees and Residents		
4. Provide Parking Cash Out (Payment to employee for not utilizing parking space)		
5. Provide Carpool/Vanpool Parking - at least 2 spaces for every 100 spaces in preferential locations near main entrances, elevators or stairs		
6. Provide Discounted Parking Spaces for Carpools/Vanpools		
7. Charge Premium for Peak Period or Single-Occupancy Vehicle Parking		
8. Charge Premium or Surcharge for Entry or Exit during Peak Periods		
9. Require Daily Payment - no monthly passes or other monthly arrangements		
10. Provide no "Early Bird Special" parking rates		
11. Provide No Parking Validation for Retail or Restaurant Patrons - or if parking validation is offered to retail or restaurant patrons provide equal amount in the form of a transit or biking benefit.	X	
12. Provide EV charging spaces (if not already required by Zoning Ordinance)		SAMPLE RESPONSE: A total of four (4) spaces with fully equipped EV charging stations are being provided. The Zoning Ordinance only requires two (2) spaces capable of being equipped for EV charging. In addition to the four (4) EV charging stations, the Applicant has designed the garage to have sub-meters so that tenants can plug in their own EV chargers if there is additional demand.
13. Offer discounted EV charging	X	

PART IV. SELECTED TDM STRATEGIES, cont'd.		
MENU OF OPTIONAL STRATEGIES	SELECTED By checking this box, Applicant commits to implementing the strategy selected	HOW STRATEGY WILL BE IMPLEMENTED & WHEN (within approx. how many weeks or months of opening?)
B. Transit Support		
1. Subsidized Transit Passes (e.g., SmartBenefits, etc.) for employees or as part of leasing incentives		SAMPLE RESPONSE: The Applicant will offer on-site residents and employees WMATA SmartTrip Cards with up to \$150 (or half of current Federal maximum) of value. The SmartTrip cards will be provided within 30 days of lease signing or employee hiring. Commercial tenant will offer tenant employees the same subsidy, in a dollar amount to be matched by the tenant. These strategies will be implemented during the first six (6) years following initial occupancy and will apply to tenant's signing their first and renewed leases at the project.
2. Provide Transportation Services (e.g., buses, circulators, shuttles, micro-transit)	X	
3. Provide Mid-Day Short Term Car Services and Support for First Mile/Last Mile Connections (i.e., pay for carshare service memberships, taxi/Uber/Lyft/Transportation Network Company (TNC) fare		
4. Provide Covered Walkways for paths leading from bus stops to entrance and benches at the covered bus stops		
5. Provide Port-cochere, Weather-protected Entrance area (for use by transit shuttle buses, and other multi-passenger vehicles only) and prohibit use by SOVS except for ADA-accessible vehicles		
6. Develop a Walker Escort Program (for movement to and from transit stops to workplace or resident entrances, on-site and/or off-site parking facilities)		
7. Participate in or Fund a Private Emergency Transportation Program (such as an enhanced Guaranteed Ride Home Program)		
8. Offset Vehicle Trips by Supporting Shuttle Buses to connect other locations to public transit and for midday travel to retail destinations		
9. Support, Subsidize or Offer Discounted Fares on commuter bus, subscription bus and vanpool services		
10. Adopt Gamification Techniques or Applications to promote use of transit (some applications run contests and other promotions to award points, gifts or other rewards to those using transit)	X	
C. Employee & Resident Incentives		
1. Spend \$50 – 100 per Employee or Resident per Year on Incentives to use on non-auto modes of commuting or mid-day travel		SAMPLE RESPONSE: The Applicant will offer tenants WMATA SmartTrip Cards with \$265 (or current Federal maximum) of value. The SmartTrip Cards will be provided within 90 days of lease signature to tenants that elect to receive this incentive. This strategy will be implemented during the first six (6) years following initial occupancy and will apply to tenant's signing their first lease at the project.
2. Spend \$100 - \$200 per Employee or Resident per Year on incentives to use on non-auto modes of commuting or mid-day travel		
3. Spend \$200 or More per Employee or Resident per Year on incentives to use on non-auto modes of commuting or mid-day travel	X	

PART IV. SELECTED TDM STRATEGIES, cont'd.		
MENU OF OPTIONAL STRATEGIES	SELECTED	HOW STRATEGY WILL BE IMPLEMENTED & WHEN (within approx. how many weeks or months of opening?)
D. Bicycle Commute Support		
1. Offer a Bicycle Reimbursement Benefit (monthly, quarterly or annual)		
2. Develop a Biking Buddy-type Program to mentor new riders and match riders with similar origins and destinations		
3. Construct End-of trip Facilities such as showers and locker rooms, or allow use of existing facilities	X	SAMPLE RESPONSE: For on-site employees that bike to work more than twice a week, the Applicant will reimburse the employee for \$50 in bike-related expenses per year in the form of a gift card to a sporting goods or bike shop.
4. Arrange for Employees to Use Shower Facilities at Nearby Fitness Centers if on-site showers and lockers do not exist		
5. Offer Free or Discounted Memberships to Nearby Fitness centers for those using transportation to commute	X	SAMPLE RESPONSE: An arrangement has been made with the gym next door so that employees that bike to work as verified by the employer, can use shower facilities. In exchange, the gym will be advertised on the digital lobby monitor.
6. Pay for Bicycle Education and Safety Classes (monthly, quarterly or annually)		
7. Provide Rainy Day Parking Spaces for cyclists in covered parking facility or area		
8. Reimburse for Purchase of Safety Gear (vests, reflectors, etc.)		
9. Create an Earn-a-Bike program (participants log a certain number of commutes in one year to earn a bicycle)		
10. Create an Indoor Bike Parking Area that is secure and locked where bicycles can be stored	X	SAMPLE RESPONSE: An indoor bike parking area is shown on the Certified Site Plan.
11. Provide Bicycle Repair Station On-site (possibly within a bike storage room)	X	SAMPLE RESPONSE: A bike repair kiosk will be installed in the bike storage room. This will be done prior to leasing.
12. Offer Valet Parking for Bicycles		
13. Provide Special Access to Indoor Parking Facility for Bikes - e.g., dedicated elevator or ramp		
14. Provide or Support Creation of a "Bike Station" facility for bike storage and repair, provision of showers, sale of equipment, etc.		
15. Provide Corrals for Bicycle and E-scooter parking and offer rental and purchase discounts to employees and residents		
16. Provide Discounted Annual Bikeshare Memberships to all employees		
17. Adopt Gamification Techniques or Program Applications to Promote Use of Cycling to Commute. Some applications run contests and other promotions to award points, gifts and other perks to cyclists.		SAMPLE RESPONSE: The Transportation Coordinator will use commuter gamification incentives offered through RideAmigos, IncentTrip, or similar platform. Employees and residents will be encouraged to register. At least 2 events per year will focus on transportation options and incentives. Game elements will include points and badges and prizes to motivate participants through friendly competition. The 1st event will occur within 1 year of opening. The TC will assist residents in downloading an application as a part of the lease signing process.
18. Offer Free or Discounted Memberships to Nearby Fitness Centers for those using bicycle transportation to commute	X	

PART IV. SELECTED TDM STRATEGIES, cont'd.

MENU OF OPTIONAL STRATEGIES		SELECTED	HOW STRATEGY WILL BE IMPLEMENTED & WHEN approx. how many weeks or months of opening?
E. Pedestrian Commute Support			
1. Offer a Walking Shoe Reimbursement (monthly, quarterly or annually).			
2. Develop a Mentorship Program for New Walking Commuters and offer a "Walk Buddy"-type Program to match walkers with similar origins and destination.			
3. Improve Sidewalks and Paths to Facilitate use by people using wheelchairs, walkers, strollers and hand carts.			
4. Provide Shade-covered Benches around the property.			
5. Ensure Pathways leading to and from transit stops and other transportation options are well-lit and well-maintained.			
6. Provide Security Call Stations, Buttons or Phones along paths where no adjoining uses are accessible, or where security may otherwise deter use.			
7. Adopt Gamification Techniques or Program Applications to promote use of walking as a commute mode. Some applications run contests and other promotions to award points, gifts and other perks to walkers.		X	SAMPLE RESPONSE: The Transportation Coordinator will use the COG IncentTrip application to promote walking as a mode of commute transportation. Prizes will be awarded for longest commutes by foot, for example.
8. Reimburse for Safety Gear Purchases (such as vests, reflectors, etc.)		X	SAMPLE RESPONSE: Residents and employees enrolled in any of the gamification programs will be eligible for reimbursement of safety gear up to \$25 per person per year.
9. Provide Amenities Onsite to reduce the need to make a vehicle trip (i.e., convenience retail, coffee shop, nail salon, dry cleaning, convenience retail, etc.).		X	SAMPLE RESPONSE: A local coffee shop and convenience food store have signed leases for retail space in the building.
10. Provide Daycare Onsite or Nearby.			
G. Telework and Alternative Work Schedule Programs			
1. Allow Employees (for whom it is feasible) to Alter Work Schedules on a case-by-case or regular basis. Compressed work week arrangements, flex-time, or other Alternative Work Schedules can be offered by employers.		X	SAMPLE RESPONSE: On-site employees for whom it is feasible will be allowed to use alternative work schedules on a case by case basis.
2. Allow Employees to Telecommute and provide support services and technology.		X	SAMPLE RESPONSE: Employees that support services related to leasing or rental will be allowed to telecommute.
3. Allow Employees to Count Time Spent Traveling by Transit to Work Toward Total Work Hours if they work while commuting.			
4. Require Tenants to Allow Telecommuting for Employees for whom it is feasible.			

PART IV. SELECTED TDM STRATEGIES, cont'd.

MENU OF OPTIONAL STRATEGIES	SELECTED By checking this box, Applicant commits to implementing the strategy selected	HOW STRATEGY WILL BE IMPLEMENTED & WHEN approx. how many weeks or months of opening?	(within approx. how many weeks or months of opening?)
H. Technology Support			
1. Purchase or Reimburse for Purchase of Smartphone or Tablet mobile applications (including in-app purchases) that provide information on non-SOV transportation options, real-time transit information, and help commuters keep track of commuter incentive rewards, etc.			
2. Pay for provision or improvement of broadband access at employee or resident home locations to facilitate telework.			
3. Develop an Employee Commute Intranet Site with links to schedule for non-auto transportation options, locations of Park & Ride facilities, rideshare matching sites, trip planning tools, bike maps, FAQs, etc.	X	SAMPLE RESPONSE: An Employee Commute page will be included on the e-portal site for employees. The page will include a link to Commuter Services, Metro, Ride On and MCDOT webpages.	
4. Install Voice-activated Transit Screens for Real Time transit, maps, alerts and updates.			
5. Install Pedestrian and Cyclist Counters and Displays to show level of pedestrian and cyclist activity around property.			
I. Marketing and Outreach Support			
1. Sponsor County, State, and Regional Events (such as Bike to Work Day, Car Free Day, Walk & Ride, Walktober, etc.)			
2. Hold Commuter Information Events to be conducted in tandem with development- or employer-related events or activities.	X	SAMPLE RESPONSE: The Applicant will provide up to \$1,000 annually toward sponsorship of events for the first six (6) years following occupancy. The Applicant will coordinate with MCDOT to select appropriate events to sponsor each year.	
J. New Options Identified or Created by Developer or Employer			
This category includes all types of programs and actions not previously identified in sections above that, in the judgement of MCDOT, are likely to be successful in persuading employees, residents, patrons and visitors to use alternative modes of travel, particularly during peak periods.			

PART V. REVISED OR SUBSTITUTED TDM STRATEGIES		
A. REVISED STRATEGY OPTIONS/CATEGORIES	Acknowledged The X Indicates an understanding of the requirements.	HOW REVISED STRATEGY WILL BE IMPLEMENTED & WHEN
County Code Section 42A-26 (c) (3) (B): If the strategies initially selected by the owner/applicant do not result in the project achieving its goals by 6 years after Date of Occupancy, the Department may require revisions in the project's plan using other strategies proposed by the owner/applicant.	X	
Actual Strategies TBD...		
Parking...		
Transit Support...		
B. ADDITIONAL FUNDING COMMITMENT		
County Code Section 42A-26 (c) 3 (C): If the strategies selected by the owner/applicant do not result in achievement of the project goals by 6 years after date of Final Occupancy, the Department may require increased funding by the owner for existing or new TDM strategies to be implement at the project. Additional increases in funding may be required if the goals still have not been achieved by 8 years after Date of Final Occupancy.	X	
C. PERFORMANCE INCENTIVES (To Be Determined)		
County Code Section 42A-26 (3) (D): The owner may be eligible for annual performance incentives established by the Department of continued achievement of project goals over multiple years, including reductions in TDM fees or other financial benefits, as established by the Executive Regulations.		
Performance Incentive Option A - TBD		
Performance Incentive Option B - TBD		

PART VI. APPROVALS, SIGNATURES & ADDITIONAL REQUIREMENTS	
A. MCDOT APPROVAL	
Name: Christopher R. Conklin	
Title: Director	
Signature:	
Date:	
B. Owner or Applicant Name(s):	
Representative(s) Name:	
Title:	
Signature:	
Date:	
C. TDM PLAN RECORDATION: Owner must record this TDM Plan in the Land Records of Montgomery County as notice that the obligations of this Plan must bind the Owner and Owner's successors and assigns, to the extent permitted by law. Deed reference for this TDM Plan must be reflected on the record plat unless previously recorded.	
DATE RECORDED AT LAND RECORDS:	
LIBER FOLIO:	
Copy of Recorded document must be sent to: MCDOT Director's Office, Commuter Services Section, 101 Monroe Street, 10th Floor, Rockville, MD 20850	
Or via email to: Commuter.Services@montgomerycountymd.gov	
D. ASSIGNMENT: This TDM Plan is assignable, in whole or in part, by Owner. Notification of assignment with signed Assignment Agreement must be provided by Owner to MCDOT. Owner's successor in interest or assignee must complete and sign the section below, indicating their obligation to be bound by the provisions of the TDM Plan.	
ASSIGNMENT AGREEMENT:	
I, _____, successor in interest and/or assignee of Owner, hereby agrees to be bound by the provisions of the TDM Plan for _____ (insert name of development) dated _____ (insert date TDM Plan was signed by MCDOT).	
Representative Name:	Title:
Signature:	Date:
Name of Assignee:	
Contact Person:	
Address:	
City, State, ZIP:	
Email Address:	
Phone Number(s):	

Appendix B – Employer TDM Plan

Sample Plan & Annual Report Using e-Template Provided by MCDOT

Sample Employer Transportation Demand Management (TDM) Plan and Annual Report

Note: Required TDM Strategies for Employer Plans are numbers 1-6 with asterisks, and are shown on Page 1. Additional strategies are optional and shown on pages 2-3. Employers may select from those or adopt other optional strategies.

To complete your TDM Plan: Fill in the “Employer Plan” field for each strategy with an asterisk (*). Then fill in any additional “Employer Plan” entries on pages 2 & 3 under “Optional TDM Strategies” if other strategies are being implemented or considered.

To submit an Annual Report, please complete the “Employer Annual Report” field next to each “Employer Plan” entry.

Employers can submit their TDM Plans and Annual Reports online through their account at:
<https://apps.montgomerycountymd.gov/MCDOTTrafficMitigationPublic/Loginemployer.aspx>

Required TDM Strategies – Items 1 - 6			
No.	TDM Strategy	Employer Plan	Employer Annual Report
1 *	Contact person -- Designated person to receive and distribute information. Notification provided when changes occur.	Mary Jenkins, Executive Assistant, 301-444-4444 maryjenkins@abc.com We will notify the TMD in writing of any changes in this information.	The new contact is Tracy Smith, Office Manager. 301-444-4455 tracysmith@abc.com
2 *	Distribute Information -- Transit/pooling/other commute alternatives distributed/posted regularly (furnished by TMD). Must include regional Guaranteed Ride Home (GRH) Program and ADA information.	Information on transit/ carpooling/other commute alternatives is posted regularly in the employee break area. We will promote the GRH program and provide ADA information with brochures for each.	Information about transit, carpooling and other commute alternatives that the TMD sends us is posted in the break room. We replace outdated materials with newer information when we receive it.
3 *	Facilitate County/TMD staff presentations -- To employees and HR/Administrative staff on commuter information & alternatives on a periodic basis. Planned with by arrangement with Contact person or others.	We hold office meetings periodically and will invite TMD staff to present information at the meetings. We will inform employees when TMD staff holds a “Commuter Information Event” in our building.	We held 4 Commuter Information Events in 2024, one in each quarter of the year. One of those was during our annual Benefits Fair.
4 *	Commuter Survey -- Distributed to employees (short survey of transportation-supplied by TMD). Please describe your approach to gaining participation for your employees.	We will distribute the link to the online survey to employees and offer small incentives to complete it.	Survey reminders were presented at staff meetings w/ request to be completed the same day. We offered gift card incentives during the last survey.
5 *	Permanent display area -- For TMD-provided bus schedules and other worksite-related transportation information.	We plan to display a transit map and brochure in our employee break area.	We have a transit map displayed in the cafeteria area along with a permanent brochure holder for schedules in the HR office.
6 *	Annual Report -- Compile information on yearly TDM activities and submit Annual Report.	We will keep on with our TDM activities and submit an Annual Report.	The files are maintained by Tracy Smith. She is also responsible for submitting the Annual Report.

Menu of Optional TDM Strategies			
8	Attendance at free CSS-sponsored meetings/workshops permitted for designated contact person	We will allow Tracy Smith to attend free CSS-sponsored meetings/workshops permitted as her schedule permits.	Ms. Smith attended the Smart Benefits session in April 2024.
9	Information on commuting alternatives provided to new employees (TMD can provide materials and/or attend orientations)	We will put brochures and other information provided by the TMD into our New Employee Orientation packages.	Two new employees were hired in 2024 & received brochures & other info in New Employee Orientation packages.
11	Free or reduced rate parking for car/vanpools offered to employees		We do not offer free or reduced rate parking for car/vanpools at this time.
12	Preferred location and/or reserved parking for car/vanpools offered to employees	We provide carpool and vanpool spaces in preferred spots close to the building	A new vanpool formed this year is using the preferred parking.
13	Provision of car sharing space in a highly visible location within an on-site parking facility.		We do not provide a car sharing space in our garage but there is one in a garage one block away that we encourage employees to use.
14	Provision of car sharing incentives, including paying part or all membership costs, rental costs, or similar incentives		We do not offer car sharing incentives at this time but plan to budget for this next year.
15	Provision of bikesharing incentives, including paying part or all of membership costs. This can be accomplished by becoming a "Corporate Member" of Capital Bikeshare	Our company has become a Gold-Level Corporate Member of Capital Bikeshare	2024 – Our company has 25 employees participating in Capital Bikeshare under our Gold-Level membership
16	Bike amenities at worksite, such as racks, lockers and showers (TMD may be able to supply)	Our building has bike racks for employees to use.	Our building has bike racks & several of our employees bike to work occasionally.
17	Transit/pedestrian amenities at worksite, e.g., sidewalks, benches, etc.	There is a Ride On bus stop with a shelter a block from our office. A sidewalk leads from the bus stop to our door. We make sure the sidewalk is clear of snow or debris.	We cleared the sidewalk of snow two times in 2024.
18	Carpool matching for employees (as part of free region-wide matching program, or can be onsite only)	We do not offer carpool matching for our employees but encourage them to contact our TMD representative for information.	Employees interested in pooling are directed to COG's online ride matching system and also to our TMD reps.
19	Alternative work schedules. Indicate which one(s) you offer: Flex time, Jobsharing,	We will explore alternative work schedules.	We offer flex time and have begun exploring the possibility of offering telework.

	Compressed Work Week or Telecommute/Teleworking		
20	Tax-free monthly transit & vanpool subsidies provided to employees.	We will participate in the SmartBenefits program and offer up to the federal tax-free maximum of \$325/month.	We began participating in the WMATA Smart Benefits program in April of 2023 and had an average of 50 employees receiving benefits monthly.
21	Maryland State Commuter Tax Credit for employers	We will explore participation in the State's tax credit program.	We have begun participating in the State Commuter Tax Credit program and receive a significant tax credit each year to offset our commuter benefits costs.
22	Pre-tax payroll deduction for transit costs offered to employees (saves employer and employee money)		We hope to provide pre-tax payroll deduction within the next 2 years.
23	Transit passes offered for purchase at worksite (at full or reduced price)		We do not sell SmarTrip cards at work but we provide information about where to purchase them.
24	Subsidize employee parking and transit equally (if employee parking is currently subsidized, offer equal subsidy for transit costs)		We do not subsidize parking for employees.
25	Air Quality Action Days - participation (regional program to alert people to dangerous air quality days)		We distribute any information on Air Quality Action Days that we receive.

Employer's Information

Submitted by:	Tracy Smith, Office Manager, ABC Corporation
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Appendix C – TDM Provisions in Other Jurisdictions in the Region

Summary of Transportation Demand Management (TDM) Programs Washington D.C. Region

Arlington County, VA

Arlington County integrates TDM into its site plan approval process. Through the Commuter Services program, developers are required to implement TDM measures including real-time transit displays, bicycle parking, and transit incentives. The County also funds outreach and monitoring efforts to support long-term trip reduction goals.

Fairfax County, VA

Fairfax County uses a site-specific approach to TDM, with requirements based on whether the project falls within the Tysons or non-Tysons areas. In Tysons, Fairfax County employs proffers tied to rezoning applications to establish TDM goals for developers. These typically include trip reduction targets and financial contributions toward TDM services. Surveys and compliance reviews are used to monitor progress and enforce commitments. Similar but less stringent requirements apply in non-Tysons areas. Requirements for payments into incentive funds and remedy funds apply in many other areas, depending upon distance from Metro and other factors.

City of Alexandria, VA

The City of Alexandria requires developers to submit TDM plans as part of the development review process. Their Transportation Management Program (TMP) focuses on reducing vehicle trips through strategies such as transit subsidies, bike infrastructure, and shared mobility programs. Alexandria also requires monitoring and periodic reporting of TDM performance.

Washington, DC

The District's TDM program is operated through goDCgo, an initiative led by the District Department of Transportation (DDOT). DC requires TDM plans for large developments, particularly under the zoning code's transportation impact review process. Employers and property managers are encouraged to offer transit benefits, bike facilities, and flexible work schedules.

Prince George's County, MD

Prince George's County promotes TDM primarily through planning policy and developer conditions. While there is no countywide mandate for employer-based TDM, new developments in transit-oriented areas may be required to implement commuter benefit programs or shuttle services.

Anne Arundel County, MD

Anne Arundel County's TDM activities are generally project-specific and linked to developments near key corridors. There is currently no formalized countywide TDM ordinance, though developers in growth areas are encouraged to consider TDM measures such as bicycle access and transit-friendly design.

Howard County, MD

Howard County implements TDM through its Downtown Columbia Plan and other planning tools. In Downtown Columbia new developments are required to submit TDM statements that include vehicle trip reduction targets and TDM actions to be taken. Elsewhere the County encourages reduced vehicle use by supporting employer commute programs, ride-matching, and infrastructure for walking and biking.

Summary of Transportation Demand Management (TDM) Fees and Charges

Jurisdictions in the Washington Region

Montgomery County faces competition from regional and national peers, and MCDOT understands the need to remain competitive in attracting and retaining businesses and residents. However, TDM fees are a standard practice among a number of our regional peers, especially for areas that are close to transit hubs. Below are several samples of fees or other charging policies in the region:

Fairfax County, VA: Requirements for projects in Tysons Corner mandate \$0.05 per SF of residential space and \$0.10 per SF of commercial space, alongside additional payments for incentive funds (\$0.02 per SF), remedy funds (\$0.30-\$0.40 per SF), and penalty funds (\$0.05-\$0.10 SF). New projects in other areas outside of Tysons and within 1.5 miles of Metro stations are likewise responsible for paying all but the penalty funds, though at lower rates, and projects beyond that must pay into incentive funds. Annual reporting on progress is also required.

Howard County, MD: Maple Lawn, a large mixed-use project in Howard County, requires fees of \$0.10 per SF of commercial space and \$30 per year per residential unit, applicable to all developments in the Maple Lawn area.

Prince George's County, MD: While Prince George's County does not directly impose TDM fees, County code outlines a non-compliance fee that may be levied if a property owner fails to comply with TDM agreements. This fee is based on the cost of providing a public bus seat daily per employee and includes administrative fees not exceeding 15%.

City of Alexandria, VA: Transportation management plans in the City of Alexandria employ fees of \$0.27 per SF of retail space, \$0.34 per SF of commercial space and \$109.01 per residential unit. This applies to developments with over 20 residential units or 10,000 SF of commercial space, which includes office, retail, academic, and laboratory space.

Washington, D.C.: The Washington, D.C. Parking Cashout Law requires employers to offer benefits that encourage employees to use alternative transportation or pay a fee. Employers can offer pre-tax transit benefits, tax-free transit subsidies, or employer-provided transportation. Employers who choose not to offer these benefits must pay a Clean Air Compliance fee of \$100 per month for each employee offered a parking spot.

The chart below summarizes the fees and charges identified in jurisdictions discussed here.

Jurisdiction	Commercial	Residential	Industrial	Incentive Fund	Remedy Fund	Penalty Fund	Other
Tysons Corner, Fairfax County, VA	\$0.10 per SF	\$0.05 per SF	--	\$0.02 per SF, commercial & residential	\$0.40 per SF commercial, \$0.30 per SF residential	\$0.10 per SF commercial, \$0.05 per SF residential	Non-Compliance Fee \$100/Day
Non-Tysons Developments, Fairfax County, VA Within 1-1.5 miles from Metro	--	--	--	\$0.02 per SF, commercial & residential	\$0.20 per SF commercial, \$0.10 per SF residential	--	Non-Compliance Fee \$50-75/Day + TMA Membership Required
Non-Tysons Developments, Fairfax County, VA Beyond 1.5 miles from Metro	--	--	--	\$0.01 per commercial SF or residential DU	--	--	TMA Membership Required
Maple Lawn, Howard County, MD	\$0.10 per SF	\$30 per year per unit	--	--	--	--	--
Prince George's County, MD	--	--	--	--	--	--	Non-Compliance Fee: Based on cost of providing a public bus seat daily per employee; administrative fees of up to 15%
City of Alexandria, VA	\$0.34 per SF (office), \$0.27 per SF (retail)	\$109.01 per unit	\$0.16 per SF	--	--	--	\$54.39 per hotel room
Washington, D.C.	--	--	--	--	--	--	Clean Air Compliance Fee: \$100 per month per employee offered a parking spot

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