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July 16, 2025

President Kate Stewart and  
Members of the Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

Dear President Stewart and Members of the Council:

As you consider Bill No. 24-25 to repeal the County's Transportation Demand Management (TDM) law, I urge you to slow down and take some very deep breaths. Why would you want to throw the proverbial baby out with the bath water?

Fixing flaws in a law is one thing. But why pull the plug on one of your few tools for balancing development and transportation goals? Transportation demand management (TDM) strategies have a long history of effectiveness when implemented with common sense, skill, and community participation.

Sure, an overly legalistic and bureaucratic approach to mitigating traffic generated by various development types will eventually create a backlash like the one you're apparently experiencing. However, with all due respect, you don't need to over-react to that backlash. You have options.

You can fix the problems you've identified without throwing this law under the bus. With wise legislative and regulatory repairs, you can protect Montgomery County's international reputation as a place that long ago figured out how to balance the many competing demands occasioned by growth — and (more importantly) you can retain the legal leverage to hold developers accountable for the vehicle trips their projects generate.

Montgomery County has a history of TDM leadership going back several decades. The dedicated work of County staff plus the professionals laboring in transportation management districts (TMDs) — full disclosure: a few of them have been my clients over the years — continually steered this county away from the perils unleashed by unfettered, unaccountable development evinced in places such as Tysons Corner.

Now, you don't really want to be Tysons Corner...do you? (Please say no.)

Developers never like limits. Employers never like to do something not directly related to their core work. It's easy to get them both to say, "Dump this law!" What's hard is to get every stakeholder in this county — developers, employers, residents, commuters, et al. — to understand and acknowledge that their actions affect everyone else. You can't let any one stakeholder (or category of stakeholders) get away with claiming the traffic-generating consequences of their choices is someone else's problem.

Getting all stakeholders to act in service of the larger community is obviously a tough task, but it's a task that Montgomery County Councils at their best have excelled at for generations. Individually, each of you on this Council is skilled at untangling knotty problems and weaving elegant (or at least workable) solutions.

As one of your longtime constituents, that's the standard I always hope and expect you will strive for, regardless of the issue.

Does the TDM law passed in 2019 need surgery? Maybe. Do you want to change the balance of carrots and sticks, to use the phrase of one of your other commenters? That's the sort of artful policymaking you need to work through.

But phase out existing traffic mitigation agreements? Whoa! (To tweak an old saying: Lawyers rush in where angels fear to tread.) Beware the urge to unburden yourselves from legacy commitments.

Look, it's okay that your TDM strategy isn't popular with everyone — as long as the reasons for it are recognized, respected, and you update it when necessary. Is it fun? No. Does everyone love you for it? No. But do we all get to enjoy living and doing business here thanks to the benefits of TDM, which you have harnessed to protect this county's quality of life? Yes.

So, please pump the brakes on Bill No. 24-25.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Wright", with a stylized flourish at the end.

Mark Wright