Resolution No.: 18-26
Introduced: November 25, 2014
Adopted: January 20, 2015

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 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

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 thirteen voting members and four nonvoting representatives. The voting members will consist of:
   a. One member who is a resident in the area within the TMD north of Paint Branch;
   b. One member who is a resident in the area within the TMD south of Paint Branch, east of new Hampshire Avenue, and north of the Food and Drug Administration;
   c. One member who is a resident in the remaining area within the TMD south of FDA or west of New Hampshire Avenue;
   d. One member representing the Food and Drug Administration;
   e. 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 financnes 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

Linda M. Lauer, Clerk of the Council