COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

(1) authorize the County Council to set by resolution [[the amount of]] a transportation management fee to cover the cost of certain services provided by a transportation management district;
(2) clarify that the revenue generated by a transportation management fee must be used in the district in which the development or property subject to the fee is located;
(3) repeal a prohibition against charging a transportation management fee that exceeds a certain rate;
[(3)] (4) make technical, [[and]] stylistic, and clarifying changes; and
[(4)] (5) generally amend the law governing transportation management districts.

By amending
Montgomery County Code
Chapter 42A, Ridesharing and Transportation Management
Sections 42A-23 and 42A-29

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 42A-23 and 42A-29 are amended as follows:

42A-23. Districts; authority of the Department and Planning Board.

(a) The County Council by resolution may create a transportation management [districts] district in [any];

1. a Metro station policy area, which may include adjacent areas served by the same transportation network[,]; or [in any]

2. an area where transportation review applies under the Growth Policy.

* * *

42A-29. Transportation Management Fee.

(a) Authority.

1. The [Executive] Council may by [regulation adopted under method (2)] resolution adopted under Section 2-57A set the [[amount of a]] transportation management fee that the Department [may] must annually charge, under the Alternative Review Procedures in the Growth Policy, an applicant for subdivision or optional method development approval in a district and each successor in interest [[of that applicant]].

2. If the resolution creating a district [[so provides, the Department [may] must also charge the transportation management fee to]] authorizes the Department to charge a transportation management fee to any of the following persons, the Council may, by resolution adopted under Section 2-57A, set the fee that the Department must charge:

(A) [[other applicants]] an applicant for subdivision or optional method development in the district who is not subject to a transportation management fee under the Alternative
Review Procedures in the Growth Policy and each successor in interest; and

(B) an owner of existing commercial and multi-unit residential properties property in the district.

(b) Use of revenue. The revenue generated by a transportation management fee must be used in the district in which the development or property subject to the fee is located to cover the cost of:

(1) administering the district, including review and monitoring of traffic mitigation plans under Section 42A-24 and traffic mitigation agreements under Section 42A-25; and

(2) any program implemented under Section 42A-23(b), including any vehicle or other equipment necessary to carry out the program.

(c) Rate. The rate of a transportation management fee must be set to produce not more than an amount of revenue substantially equal to the:

(1) portion of the cost of administering the district, including the review and monitoring of traffic mitigation plans under Section 42A-24 and traffic mitigation agreements under Section 42A-25, reasonably attributable to the transportation effects of the development or property subject to the fee; and

(2) portion of the cost of any program implemented under Section 42A-23(b), including any vehicle or other equipment necessary to carry out such the program, reasonably attributable to the transportation effects of the development or property subject to the fee.

(d) Method. A transportation management fee may be assessed on:
(1) the gross floor area, the maximum or actual number of employees, or the average number of customers, visitors, or patients, in a nonresidential building;

(2) the number of dwelling units, or the gross floor area, in a residential building;

(3) the number of parking spaces associated with a building; or

(4) any other measurement reasonably related to transportation use by occupants of, employees located in, or visitors to a particular development or property.

[(d)] (e) Variation. The transportation management fee and the basis on which it is assessed may vary from one district to another and one building category or land use category to another.

[(e)] If the transportation management fee is assessed on a gross floor area basis (as defined in Section 8-38(e)), the rate must not exceed 10 cents per square foot subject to the Fee. If the fee is assessed on any other basis, the total collected each year from any district must not significantly exceed the total amount that would have been collected from that district if the rate were 10 cents per square foot.]

Approved:

George L. Leventhal, President, County Council 2/1/2006

Approved:

Douglas M. Duncan, County Executive Date
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date 2/10/06