Bill No.	36	-05		
Concerning:]	Fransportation			
Management Districts - Fees				
Revised: 1/3	<u>1/06</u> Di	aft No. 4		
Introduced:	November 1, 2	2005		
Enacted:	January 31, 20	006		
Executive:	February 9, 20	006		
Effective:	May 11, 2006			
Sunset Date:	None			
Ch 1 lav	vs of Mont. Co.	2006		

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) <u>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;</u>
- (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

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

ł	Sec. 1. Sections 42A-23 and 42A-29 are amended as follows:		
2	42A-23.	Distr	icts; authority of the Department and Planning Board.
3	(a)	The	County Council by resolution may create <u>a</u> transportation
4		mana	gement [districts] district in [any]:
5		<u>(1)</u>	a Metro station policy area, which may include adjacent areas
6			served by the same transportation network[,]; or [in any]
7		<u>(2)</u>	an area where transportation review applies under the Growth
8			Policy.
9			* * *
10	42A-29.	Tran	sportation Management Fee.
11	(a)	Autho	ority.
12		(1)	The [Executive] Council may by [regulation adopted under
13			method (2)] resolution adopted under Section 2-57A set the
1			[[amount of a]] transportation management fee that the
15			Department [may] must annually charge, under the Alternative
16			Review Procedures in the Growth Policy, an applicant for
17			subdivision or optional method development approval in a district
18			and each successor in interest [[of that applicant]].
19		(2)	If the resolution creating a district [[so provides, the Department
20			[may] must also charge the transportation management fee to]]
21			authorizes the Department to charge a transportation management
22			fee to any of the following persons, the Council may, by
23			resolution adopted under Section 2-57A, set the fee that the
24	•		Department must charge:
25			(A) [[other applicants]] an applicant for subdivision or optional
26			method development in the district who is not subject to a
7			transportation management fee under the Alternative

28			Review Procedures in the Growth Policy and each
29			successor in interest; and
30			(B) [[owners]] <u>an owner</u> of existing commercial and multi-unit
31			residential [[properties]] property in the district.
32	<u>(b)</u>	<u>Use c</u>	of revenue. The revenue generated by a transportation management
33		<u>fee m</u>	nust be used in the district in which the development or property
34		<u>subje</u>	ect to the fee is located to cover the cost of:
35		<u>(1)</u>	administering the district, including review and monitoring of
36			traffic mitigation plans under Section 42A-24 and traffic
37			mitigation agreements under Section 42A-25; and
38		<u>(2)</u>	any program implemented under Section 42A-23(b), including
39			any vehicle or other equipment necessary to carry out the
40			program.
1	[[(b)]] <u>(c)</u> <u>R</u>	ate. The rate of [[the]] a transportation management fee must be set
42		to pr	oduce not more than an amount of revenue substantially equal to
43		the:	
44		(1)	[the] portion of the cost of administering the district, including
45			the review and monitoring of traffic mitigation plans under
46			Section 42A-24 and traffic mitigation agreements under Section
47		·	42A-25, reasonably attributable to the transportation effects of
48			the development or property subject to the fee; and
49		(2)	[the] portion of the cost of any program implemented under
50			Section 42A-23(b), including any vehicle or other equipment
51			necessary to carry out [any such] the program, reasonably
52			attributable to the transportation effects of $\underline{\text{the}}$ development $\underline{\text{or}}$
.53			property subject to the fee.
1	$\Pi(c)$	II (d) A	Method A transportation management fee may be assessed on:

55	(1)	the gross floor area, the maximum or	actual number of
56		employees, or the average number of cus	stomers, visitors, or
57		patients, in a nonresidential building;	
58	(2)	the number of dwelling units, or the gro	oss floor area, in a
59		residential building;	
60	(3)	the number of parking spaces associated with	a building; or
61	(4)	any other measurement reasonably related to	to transportation use
62		by occupants of, employees located in, or vi	sitors to a particular
63		development or property.	
64	[[(d)]] <u>(e)</u>	Variation. The transportation management fe	ee and the basis on
65	whi	ch it is assessed may vary from one district	to another and one
66	buil	ding category or land use category to another.	
67	[(e) If the	he transportation management fee is assessed of	on a gross floor area
3	basi	is (as defined in Section 8-38(e)), the rate must	not exceed 10 cents
69	per	square foot subject to the Fee. If the fee is as	ssessed on any other
70	basi	is, the total collected each year from any	district must not
71	sigr	nificantly exceed the total amount that would	have been collected
72	fror	n that district if the rate were 10 cents per square	e foot.]
73	Approved:		
74			
	(9	rope (eventhal	2/1/2006
	George L. Leven	nthal, President, County Council	Date
75	Approved:		
76	Day.	3 restruction	Hulok
	Douglas M. Dun	can, County Executive	Date

78	Sinda M. Lauer	2/10/06
	Linda M. Lauer, Clerk of the Council	Date

This is a correct copy of Council action.

77