

Resolution No.: 15-1432
Introduced: October 18, 2005
Adopted: May 2, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Executive and County Council

SUBJECT: Establishment of a Transportation Management District in Greater Shady Grove 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 - 10 through 30 provides for transportation management in Metro Station Areas 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. In 1996, Council directed the creation of a TMD in the Shady Grove vicinity as part of its Shady Grove Sectional Map Amendment process. Planning Commission staff recommended TMD boundaries follow those of the Shady Grove Study Area Master Plan of 1990 and include new development in Rockville and Gaithersburg. These boundaries included the Shady Grove Metro Station Policy Area and the R & D Village Policy Area and major areas of commercial development. Planning Commission 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.

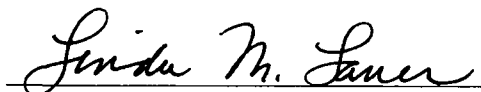
4. The Department of Public Works and Transportation (DPWT) conducted extensive background work for establishment of the Greater Shady Grove TMD. Public forums and briefings were held with the business community, civic representatives, and members of the general community to explain TMD purposes and operations and to apprise them of the progress in implementing the TMD for Shady Grove. Elected officials and appropriate staff from the County, and the cities of Gaithersburg and Rockville were also briefed on several occasions. Negotiations were conducted over an extended period of time with representatives of both municipalities regarding participation in the proposed TMD, including operational and funding mechanisms.
5. The Department of Public Works and Transportation (DPWT) 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 Greater Shady Grove 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.
6. While the cities of Gaithersburg and Rockville are included within the boundaries of the Greater Shady Grove TMD, their participation in the TMD is intended to be reflected in agreements with each municipality. TMD services will only be provided within the municipalities to the extent that they have entered into agreements with the County and paid their proportionate share of the costs of such services.
7. 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 DPWT to require the submission of traffic mitigation plans.
8. DPWT and the Planning Board may jointly impose reasonable transportation demand management measures as conditions on the Board's approval of development in the Greater Shady Grove TMD. These measures can include the requirement of traffic mitigation agreements in accordance with Chapter 42A of the County Code.
9. The TMO must annually monitor transportation demand management in the Greater Shady Grove TMD. A biennial report must be submitted by the TMO to the Director of DPWT by December 1 of each even-numbered year. The Director of DPWT must transmit the report to the Executive, the Greater Shady Grove Transportation Management Advisory Committee, and the Planning Board pursuant to Sector 42A-27 of the County Code, 2004, as amended. The Director of DPWT 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 set forth in the Annual Growth Policy 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 Greater Shady Grove Transportation Management District (TMD) is established. Its boundaries include the Shady Grove Metro Station Policy Area as well as the R&D Village Policy area and portions of the cities of Rockville and Gaithersburg. Boundary lines are defined on Attachment A of this resolution.
2. Pursuant to Section 42A-29(a)(1) and (2) of the Code, the Department of Public Works and Transportation (DPWT) is hereby authorized to charge a Transportation Management Fee in the Greater Shady Grove TMD to:
 - all applicants who file an application for subdivision or optional method development approval in the Greater Shady Grove TMD under the Alternative Review Procedures in the Annual Growth Policy, and each successor in interest; and
 - all applicants for subdivision or optional method development approved after the Sectional Map Amendment of June 11, 1996, and each successor in interest; and
 - owners of existing commercial and multi-unit residential development.
3. The Director of DPWT may require traffic mitigation plans in the Greater Shady Grove TMD in accordance with Section 42A-24 of the County Code.
4. Under authority of Section 42A-23(e) of the County Code, a Greater Shady Grove Transportation Management District Advisory Committee will be appointed by the Executive and confirmed by the Council, according to a structure to be designated by Executive Regulation.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

APPENDIX A

**BOUNDARIES OF THE GREATER SHADY GROVE
TRANSPORTATION MANAGEMENT DISTRICT**

Beginning at a point on the west line of I-270 at its intersection with the west line of Muddy Branch Road and running southeast along the west line of I-270 to its intersection with the north line of I-370;

then east along the north line of I-370 to its intersection with the western boundary of Parcel "C" (N881) as shown on Plat 9659;

then in a northeasterly direction along the western boundaries of Parcel "C" (N881), the Right of Way of Nancy Place, and Parcel "B" (N738) to the west boundary of the Right of Way of Frederick Road (MD 355) as shown on Plat 9659;

then crossing directly Frederick Road (MD 355) to the southwestern-boundary of the remainder of Parcel "D" as shown on Plat 20275,

then continuing along the Right of Way line of I-370 in a southeasterly direction to the south corner of the remainder of Parcel "D" (Plat 20275), then continuing in a northeasterly direction along the Right of Way line of I-370 to the south line of Parcel P385;

then northerly along the west boundary of Parcel P385, Parcel K (N327), Parcel P266, Parcel E (N211), Parcel G (000), and Parcels P103, P048, N007, N977, P925, and P913;

then northerly along the west boundary of Parcel K (N327), Parcel P266, Parcel E (N211), Parcel G (000), and Parcels P103, P048, N007, N977, P925, and P913;

then continuing northeasterly along the western boundary of Parcel P871 and north along the west boundary of Parcel P817;

continuing in a northern direction along the west boundary of Parcel P762;

continuing easterly along the northwest boundary of Parcel P762;

then crossing directly Oakmont Road and the CSX Railroad to the western-most corner of Parcel P747;

continuing northeast along the northwest boundary of Parcel P747;

then southeast along the northeast boundary of Parcels P747, Parcel P743 and Parcel P131;

continuing in a southerly direction along the east arc boundary of Parcel P131 to Parcel N730;

then running in a southerly direction along the west boundary of Parcel N730 to the north line of I-370;

then east along the north line of I-370 to its intersection with Shady Grove Road;
continuing along the east line of I-370 to its intersection with the north line of Crabbs Branch
Way;

then southeast along the east line of Crabbs Branch Way to its intersection with the north
boundary of Parcel 'N' (Plat 14070);

then running east along the north boundary of Parcel 'N';

continuing south along the east boundary of Parcels 'N', 'M' (Plat 14070) and 'A' (Plat 13887) to
the southeast boundary of Parcel 'A';

then crossing Monona Drive directly to the northwest corner of Parcel P960;

then running east along the north and northeast boundaries of Parcel P960 to the intersection with
north boundary of Parcel N075;

then running in an east and southerly direction with the north boundaries of Parcels N075 and
N136;

then running southwest with the southeast boundary of Parcel N136 to the northern line of Gude
Drive East;

continuing in a direct line across Gude Drive East to the northwest corner of Parcel N353 at the
south line of Gude Drive East;

then west along the south line of Gude Drive East to the intersection with the east line of the CSX
Railroad tracks;

then south along the east line of the CSX Railroad tracks to an extension of the north line of
College Parkway;

then following the extension of the north line of College Parkway in a southwesterly direction to
the north line of Rutgers Street;

then following the north line of Rutgers Street to the east line of Yale Place;

then following the east line of Yale Place to the south line of Gude Drive West;

continuing westward along the south line of Gude Drive West to its intersection with the west line
of I-270;

then south along the west line of I-270 to its intersection with the west line of West Montgomery
Avenue;

then following the west line of West Montgomery Avenue in a northerly direction to the south
line of Darnestown Road;

then west along the south line of Darnestown Road to its intersection with the east line of Shady
Grove Road;

then following the east line of Shady Grove Road to its intersection with the eastern boundary of
Parcel P781;

then following the eastern boundary of Parcels P781 and P840 in a southerly direction;

then continuing along the south boundaries of Parcel P840 to its intersection with the east line of Willow Tree Drive;

then following the east line of Willow Tree Drive north to a point directly opposite the southeast corner of Lot 214 of Willows of Potomac, Block D (Plat 18778);

then following directly across Willow Tree Drive to the above-referenced point;
then continuing along the east boundary of Lot 214 described above;

continuing along the southeastern boundary of Traville, Block B, Parcel E (N850) (Plat 22293) to its intersection with Traville, Block B, Parcel D (N983), also shown on Plat 22293;

then following the boundary of Parcel D in a south and westerly direction to the intersection with Parcel N862;

continuing in a westerly direction along the southern boundary of Parcel N862;

then north and west along the west boundaries to the east line of Shady Grove Road;

then following a direct line across Shady Grove Road to the southeast point of Parcel P836 at the west line of Shady Grove Road;

continuing northwest on the south boundary of Parcel P836 to the west boundary;

then following the west boundary in a northerly direction to its intersection with Parcel P834;

continuing in a westerly direction along the south boundary of Parcel P834 to its west boundary;

then northerly along the west boundary to Parcel N777;

then westerly along the south boundary of Parcel N777 to the east line of Travilah Road;

then following directly an extension of the south boundary of Parcel N777 to a point on the west line of Travilah Road;

then following the west line of Travilah Road to its intersection with the south line of Darnestown Road;

then westward along the south line of Darnestown Road to its intersection with the west line of Quince Orchard Road;

then northeast along the west line of Quince Orchard Road to its intersection with the east line of Great Seneca Highway;

then following the north line of Quince Orchard Road to a direct line to the north line of Dosh Drive, continuing along the north line of Dosh Drive to its intersection with the east line of Quince Orchard Road;

then northeast following the east line of Quince Orchard Road to its intersection with the south line of Parcel P067;

then continuing along the south boundaries of Parcels P067 and P95 and the western edge of NIST to its intersection with the east boundary of Parcel P95 and the western boundary of NIST;

continuing in a northeast line along the NIST boundary to its intersection with the northern boundary of Parcel P015;

then continuing west along the northern boundary of Parcel P015 to its intersection with the east line of Quince Orchard Road;

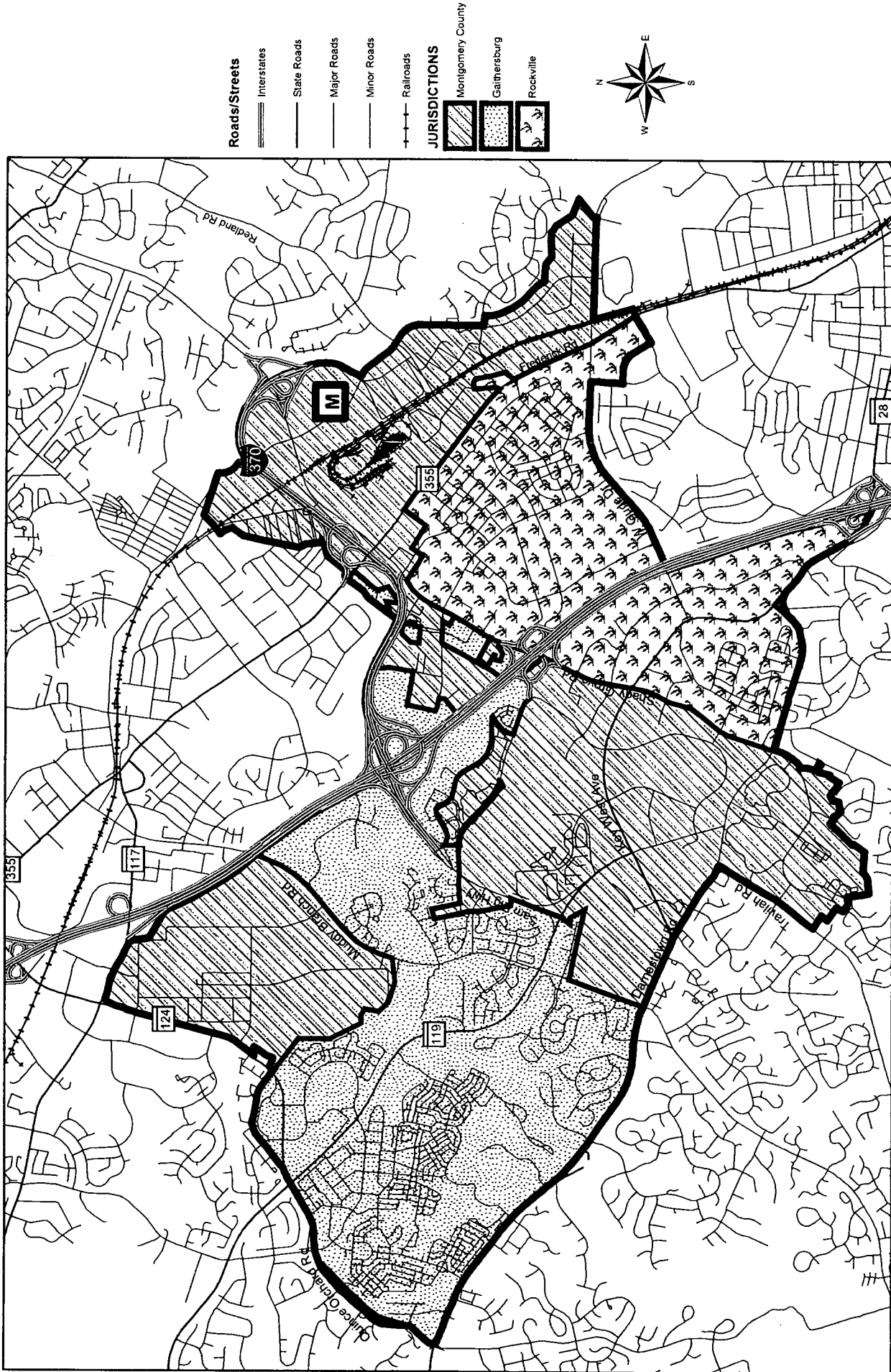
then proceeding northeast along the east line of Quince Orchard Road to its intersection with the south line of Diamond Avenue and the northern boundary of NIST;

then continuing southeast along the northern boundary of NIST to its intersection with the east boundary of NIST and the west line of I-270 ;

then proceeding south along the eastern boundary of NIST to the point of beginning, which is at the west line of I-270 at its intersection with the west line of Muddy Branch Road.

There shall also be included in the foregoing described area any lot partially within and partially without such area that is zoned for commercial or multi-unit residential use.

Greater Shady Grove Transportation Management District (TMD)



Montgomery County
 Department of Public Works & Transportation
 Office of Project Development
 February 28, 2006

The Greater Shady Grove TMD includes properties within Montgomery County as well as the cities of Rockville and Gaithersburg. TMD services will be provided within the Cities of Rockville and Gaithersburg to the extent that each municipality enters into financial agreements with Montgomery County. Commercial and residential developments will be subject to the laws of each municipality with regard to TMD participation.