

News

Council Committee to Review Significant Proposed Changes to Transportation Demand Management

Attorneys

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The Montgomery County Council's Transportation & Environment (T&E) Committee will review proposed Bill No. 36-18 (Transportation Demand Management Plan Amendments) at a worksession on March 18th at 10 am. Bill No. 36-18 proposes to eliminate the use of traffic mitigation agreements (TMAGs) in favor of newly created transportation demand management (TDM) plans. While TMAGs are generally only required in established Transportation Management Districts (e.g., Friendship Heights, Downtown Silver Spring, Downtown Bethesda, North Bethesda, and Shady Grove), Bill No. 36-18 would require TDM plans for new and existing development in nearly all areas of the County (except for Damascus, Rural East, and Rural West policy areas). Under the current draft of Bill No. 36-18, the Montgomery County Department of Transportation (MCDOT) can require that an owner of an existing project (both non-residential buildings and residential projects with at least 100 dwelling units) submit a TDM plan if MCDOT finds that a plan is necessary to achieve the purposes of the TDM Article of the County Code, and that the building is not already subject to either a TMAG or TDM plan. As currently drafted, Bill No. 36-18 lacks exemptions for existing buildings or incremental expansions to existing buildings.

There are three types of TDM plans proposed by Bill No. 36-18, with the most extensive and onerous (Level 3) currently proposed to be required for any project that exceeds 100,000 square feet of gross square feet in Red Policy Areas (e.g., any of the metro station policy areas). However, under proposed amendments from the Office of the County Executive, the Level 3 requirement would be triggered by any project in a Red Policy Area that exceeds 25,000 square feet. Both the Level 2 and Level 3 TDM plans would authorize MCDOT to require additional funding commitments (i.e., require the owner to commit additional funds to supplement on-site strategies required by the TDM plan) or parking management strategies (e.g., require the owner to limit the number of parking spaces available for use by employees during peak periods) of projects that do not demonstrate progress toward achieving the relevant commuting goals identified in the TMD plan. While Bill No. 36-18 includes grandfathering for projects with an existing subdivision or optional method development approval (which would have required the project to enter into a TMAG with MCDOT), pending development applications that are approved after the effective date of Bill No. 36-18 would be required to execute a TDM

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Plan with MCDOT.

If you are interested in learning more about Bill No. 36-18 or participating in the remaining legislative processes, please contact one of the Linowes and Blocher Land Use Partners located in our Bethesda office:

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Additionally, Councilmembers Tom Hucker (Chair), Evan Glass and Hans Riemer serve on the T&E Committee. Should you wish to contact the Councilmembers directly, email addresses for the T&E Committee members are below:

Councilmember.Hucker@montgomerycountymd.gov

Councilmember.Glass@montgomerycountymd.gov

Councilmember.Riemer@montgomerycountymd.gov