



Subdivision Staging Policy Worksession #2: Transportation Policy Area Review



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Description

The Subdivision Staging Policy (formerly the Growth Policy) seeks to ensure timely delivery of public facilities (schools, transportation, water, sewer, and other infrastructure) to serve existing and future development. The Growth Policy Law (Article 3. Sec. 33A-15) requires that a Planning Board Draft be prepared and sent to the County Council by August 1, 2012.

The Subdivision Staging Policy (SSP) is established to regulate the relative timing of development and facilities. Approved and adopted community master and sector plans regulate the amount, pattern, location, and type of development in the county. The SSP tools promote smarter growth and assure that sufficient funds are available to serve areas where growth is approved.

The Public Hearing Draft Subdivision Staging Policy Staff Draft report was published on June 15, 2012 and posted on the Planning Department Web page. A public hearing was held on June 28, 2012 to receive testimony on the proposed policy. This memo presents new information about Transportation Policy Area Review cost allocation and fees and responds to testimony received at the Public Hearing. Public testimony on the new material will be heard during this worksession.

Summary

Staff Recommendation: Discuss the 2012-2016 Subdivision Staging Policy elements dealing with Transportation Policy Area Review, the draft County Council resolution and needed amendments to the County Code on impact taxes. Develop Planning Board consensus on the staff recommendations. Final Planning Board action will be taken at a later worksession.

This memo contains significant new information regarding the cost allocation and fees associated with the Transportation Policy, as well as a draft County Council resolution and draft changes to the impact tax code. It also includes a matrix that summarizes the testimony received at the public hearing on the Transportation Policy Area Review (TPAR) in the Subdivision Staging Policy and the staff response to the testimony. Significant new information is presented in this memo and will be reviewed with the Board during the worksession. Public testimony will be heard on the new material. The final recommendations will be brought back to the Board at a later worksession, along with the draft Subdivision Staging Policy resolution and any recommended changes to the impact tax code, for final action prior to transmitting the Planning Board Draft to the County Council and County Executive before August 1, 2012.

Additional SSP Planning Board worksessions are scheduled as follows:

- July 23, 2012 – Worksession #3 Transportation Policy Area Review and Impact Tax recommendations continued.
- July 26, 2012 – Review of final recommendations and transmission of Planning Board Draft to County Council and County Executive.

Transportation Policy Area Review Cost Allocation and Proposed TPAR Payments

The process for allocating costs and setting TPAR payments is described in more detail in Attachment 1 in this packet, which will become Part 3 of Section V in the 2012 Transportation Policy Area Review Report. Costs are estimated separately for transit-related improvements for the next ten years and for roadway-related improvements for the next thirty years. The following abbreviated table presents the overall summary of the cost analysis and the proposed TPAR Payments.

Policy Areas	2010 to 2022 Total Trip End Growth	2010 to 2040 Total Trip End Growth	Transit Costs		Road Costs		Total Costs		Costs per Trip-End		
			Allocated 10-Yr Costs (\$1,000's)	Allocated 10-Year Costs per Trip-End	MCDOT Allocated 30-Yr Costs (\$1,000's)	MCDOT Allocated 30-Year Costs per Trip-End	Total Allocated Costs (\$1,000's)	Allocated Costs per Future Trip-End	Cost Sharing Priority: Percent Private Costs	2012 TPAR Payment Rate per Future Trip-End	2012 TPAR Payment Rate per Future Trip-End with Max and Min
Silver Spring/Takoma Park	7,708	12,459	\$702	\$91	\$0	\$0	\$702	\$91	50%	\$46	\$585
North Bethesda	16,646	37,748	\$4,848	\$291	\$0	\$0	\$4,848	\$291	50%	\$146	\$585
Kensington/Wheaton	6,366	11,535	\$3,115	\$489	\$0	\$0	\$3,115	\$489	50%	\$245	\$585
Bethesda/Chevy Chase	12,912	19,802	\$2,488	\$193	\$0	\$0	\$2,488	\$193	50%	\$96	\$585
Rockville City	14,425	27,023	\$4,503	\$312	\$0	\$0	\$4,503	\$312	50%	\$156	\$585
Derwood	5,276	14,836	\$5,580	\$1,058	\$50,130	\$3,379	\$55,710	\$4,437	50%	\$2,218	\$2,218
R & D Village	5,892	20,392	\$3,157	\$536	\$6,600	\$324	\$9,757	\$859	50%	\$430	\$585
Gaithersburg City	13,994	37,568	\$8,961	\$640	\$61,600	\$1,640	\$70,561	\$2,280	50%	\$1,140	\$1,140
Fairland/White Oak	290	2,351	\$1,207	\$4,157	\$0	\$0	\$1,207	\$4,157	50%	\$2,078	\$2,078
Germantown West	4,018	17,098	\$4,578	\$1,139	\$12,676	\$741	\$17,254	\$1,881	50%	\$940	\$940
Montgomery Village/Airpark	292	1,004	\$1,215	\$4,160	\$10,720	\$10,679	\$11,935	\$14,839	50%	\$7,420	\$7,420
Aspen Hill	424	455	\$2,502	\$5,896	\$0	\$0	\$2,502	\$5,896	50%	\$2,948	\$2,948
Germantown East	2,436	9,918	\$4,321	\$1,773	\$143,115	\$14,430	\$147,436	\$16,204	50%	\$8,102	\$8,102
Cloverly	48	133	\$1,521	\$31,448	\$0	\$0	\$1,521	\$31,448	50%	\$15,724	\$12,000
North Potomac	365	2,255	\$3,245	\$8,884	\$0	\$0	\$3,245	\$8,884	50%	\$4,442	\$4,442
Olney	996	3,469	\$6,822	\$6,846	\$0	\$0	\$6,822	\$6,846	50%	\$3,423	\$3,423
Potomac	3,072	4,186	\$5,945	\$1,935	\$0	\$0	\$5,945	\$1,935	50%	\$968	\$968
Clarksburg	14,865	26,413	\$4,658	\$313	\$0	\$0	\$4,658	\$313	50%	\$157	\$585
Damascus	860	2,306	\$31	\$36	\$0	\$0	\$31	\$36	50%	\$18	\$585
Rural East	1,823	3,990	\$1,001	\$549	\$0	\$0	\$1,001	\$549	50%	\$274	\$585
Rural West	578	1,029	\$0	\$0	\$0	\$0	\$0	\$0	50%	\$0	\$585
	113,289	255,966	\$70,400		\$284,841		\$355,241				

Discussion in Attachment 1 covers five key policy issues upon which we suggest the Board focus attention on during the coming worksession, which include the following recommendations:

- Not applying the fourth category of Policy Area of “Urban without Metrorail” at this time, which was given considerable discussion at the Planning Board meeting on May 17, 2012
- Not including MDOT/SHA arterial roadway projects in the TPAR Cost Allocations to Policy Areas, as those projects are generally assumed to be a function of the state budget process
- Provide concurrence to the proposal for specific Public and Private Costs Sharing percentages, which are given in the summary table above

- Concur with the recommendation for the Council in setting of the TPAR Payments indicated above and with the Maximum and Minimum TPAR payments per Policy Area discussed in Attachment 1
- Review the relationship of the proposed TPAR Payments to the current Development Impact Tax and do not credit the TPAR payment toward the Impact Tax.

The following discussion and abbreviated summary tables present break-outs of the cost components for the 10-year transit-related costs, and the 30-year MCDOT-related arterial improvements. The 30-year MDOT/SHA-related arterial improvements are included for information purposes in Attachment 1, but are not included in the staff recommended cost because these costs are assumed to be budgeted by the state.

Transit Costs

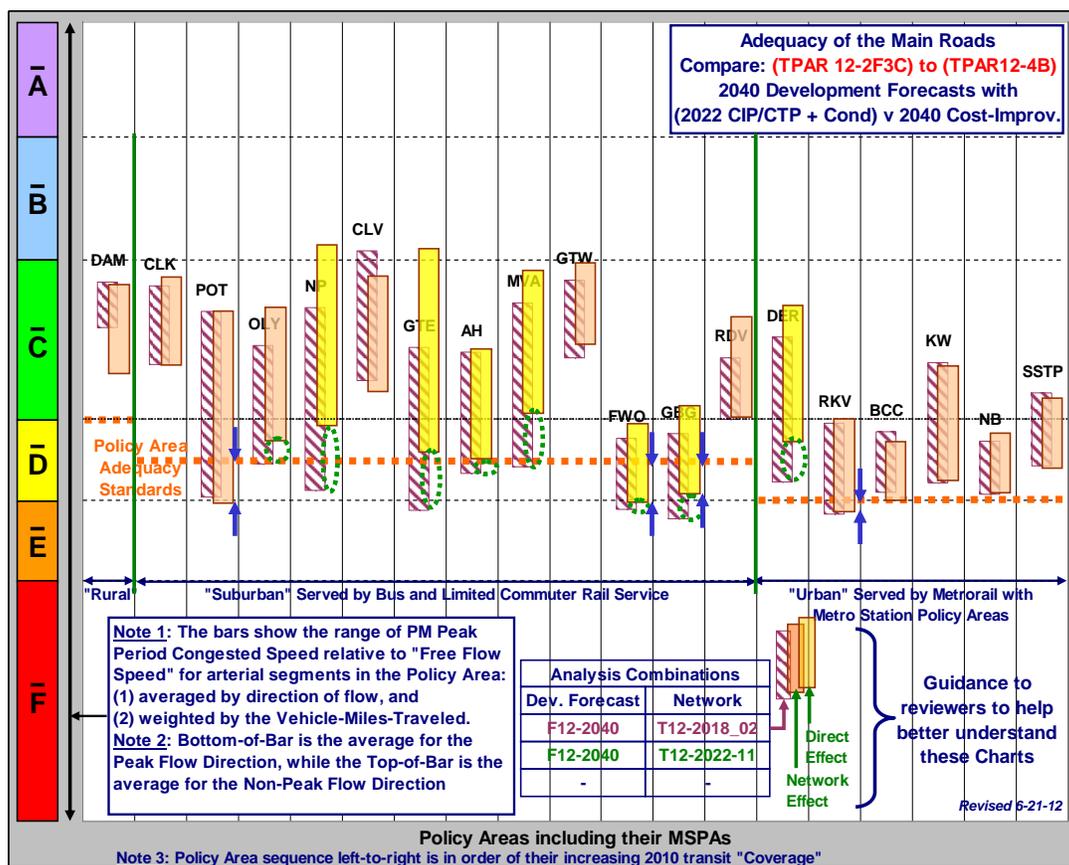
The cost of Transit improvements were estimated for projects needed to meet the proposed adequacy standards for peak headway for urban, suburban and rural areas as discussed with the Planning Board on May 17, 2012. At that time a fourth category, "Urban Without Metrorail" was discussed, but **staff recommends that the Board use only the three categories originally proposed**. Cost for the three categories were estimated in the table below to include 10-year capital and operating costs totaling \$64 million using methods developed with the Montgomery County Department of Transportation (MCDOT). The cost allocation is based on the proportion of the improved routes that is located in each respective Policy Area. To this, we have added 10% additional funding (\$6.4 million) split between an enhanced commuter services program and enhanced bicycle and pedestrian improvements to improve access to transit. The costs by Policy Area are shown below and a per trip cost determined by dividing the total cost for each Policy Area by the number of projected new trips by 2022.

Policy Areas	2010 to 2022 Total Trip End Growth	Project for Peak Headway Improvement: 13 routes, 9 areas	Enhanced Commuter Services Program	Enhanced Bicycle and Pedestrian Improvement Program	Allocated 10-Year Costs by Policy Area (\$1,000's)	Allocated Transit 10-Year Costs per Trip-End
Project/Program Costs =		\$64,000	\$3,400	\$3,000		
Silver Spring/Takoma Park	7,708		\$422	\$280	\$702	\$91
North Bethesda	16,646	\$3,332	\$911	\$606	\$4,848	\$291
Kensington/Wheaton	6,366	\$2,535	\$348	\$232	\$3,115	\$489
Bethesda/Chevy Chase	12,912	\$1,312	\$707	\$470	\$2,488	\$193
Rockville City	14,425	\$4,503			\$4,503	\$312
Derwood	5,276	\$5,099	\$289	\$192	\$5,580	\$1,058
R & D Village	5,892	\$2,620	\$323	\$214	\$3,157	\$536
Gaithersburg City	13,994	\$8,961			\$8,961	\$640
Fairland/White Oak	290	\$797	\$400	\$11	\$1,207	\$4,157
Germantown West	4,018	\$4,432	\$0	\$146	\$4,578	\$1,139
Montgomery Village/Airpark	292	\$1,204	\$0	\$11	\$1,215	\$4,160
Aspen Hill	424	\$2,487	\$0	\$15	\$2,502	\$5,896
Germantown East	2,436	\$4,232	\$0	\$89	\$4,321	\$1,773
Cloverly	48	\$1,519	\$0	\$2	\$1,521	\$31,448
North Potomac	365	\$3,231	\$0	\$13	\$3,245	\$8,884
Olney	996	\$6,785	\$0	\$36	\$6,822	\$6,846
Potomac	3,072	\$5,833	\$0	\$112	\$5,945	\$1,935
Clarksburg	14,865	\$4,117	\$0	\$541	\$4,658	\$313
Damascus	860		\$0	\$31	\$31	\$36
Rural East	1,823	\$1,001			\$1,001	\$549
Rural West	578					
Total Trip End Growth =	113,289	\$64,000	\$3,400	\$3,000	\$70,400	

Roadway Costs

Roadway improvements needed to address the inadequacies were tested and those that met most of the inadequacies in the 2040 development forecast were identified. Not all areas have projects that can address inadequacies. Potomac, Fairland/White Oak, Gaithersburg and Rockville inadequacies are not fully addressed. Attachment 1 explains each situation and suggests possible approaches for the next review of TPAR to address them.

The following graphic from Attachment 1 is a summary of forecasted roadway conditions by Policy Area. The striped bars indicate the original findings of projected 2040 traffic with no improvements beyond those in the current Capital Improvements Program. The yellow solid bar reflects the changed average level of service in those areas that directly had improvements, while the tan solid bars reflect network effects in adjacent Policy Areas of the proposed roadway improvements not in those areas.



The table below is an abbreviated table that shows the estimated costs of County roadway projects tested to achieve the results above. More detail of the estimates and the allocation to Policy Areas are provided in Attachment 1. Roadway improvements will also be needed on State roads as a similar number of them were among those tested to attain adequacy. However, those costs are not included in the cost allocation because they are assumed to be State costs and it is recommended that TPAR Payments not be sought to offset these costs. Roadway improvements included in the calculations are:

- Midcounty Highway Extension Middlebrook Road north to MD27
- Midcounty Highway Extension Shady Grove Road south to MD200
- Midcounty Highway widening Shady Grove Road to Montgomery Village Avenue
- Dorsey Mill Road Bridge over I-270
- Watkins Road Bridge and interchange with I-270
- Sam Eig Highway from Fields Road to Great Seneca Highway

Policy Areas	2010 to 2040 Total Trip End Growth	Conditional Projects Anticipated for Implementation by MCDOT							Total Allocated Costs (\$1,000's)	Allocated Costs per Future Trip-End
		Midcounty Hwy Extension North to MD 27	Midcounty Hwy Extension South to MD 200	Dorsey Mill Rd Bridge over I-270	Watkins Mill Rd Bridge & Interchng over I-270	Midcounty Hwy Widen; MVA Ave-Shady Grove Rd	Sam Eig Hwy: Fields Rd to Gt. Seneca Hwy.			
Silver Spring/Takoma Park	12,459								\$0	\$0
North Bethesda	37,748								\$0	\$0
Kensington/Wheaton	11,535								\$0	\$0
Bethesda/Chevy Chase	19,802								\$0	\$0
Rockville City	27,023								\$0	\$0
Derwood	14,836		\$33,490				\$16,640		\$50,130	\$3,379
R & D Village	20,392							\$6,600	\$6,600	\$324
Gaithersburg City	37,568				\$40,000	\$21,600			\$61,600	\$1,640
Fairland/White Oak	2,351								\$0	\$0
Germantown West	17,098			\$12,676					\$12,676	\$741
Montgomery Village/Airpark	1,004					\$10,720			\$10,720	\$10,679
Aspen Hill	455								\$0	\$0
Germantown East	9,918	\$131,538		\$11,577					\$143,115	\$14,430
Cloverly	133								\$0	\$0
North Potomac	2,255								\$0	\$0
Olney	3,469								\$0	\$0
Potomac	4,186								\$0	\$0
Clarksburg	26,413								\$0	\$0
Damascus	2,306								\$0	\$0
Rural East	3,990								\$0	\$0
Rural West	1,029								\$0	\$0
	255,966	\$131,538	\$33,490	\$24,253	\$40,000	\$48,960	\$6,600		\$284,841	

Comparison of TPAR payments to Policy Area Mobility Review Payments

It is useful to compare the difference between the costs resulting from the TPAR methodology with those resulting from the application of the Policy Area Mobility Review (PAMR) for projects approved in recent years. This information is being prepared and will be shared with the TPAR stakeholders and presented to the Planning Board at the worksession. In general, the fees would have been lower than under TPAR than PAMR, but the results vary due to the different methodologies.

Response to Testimony

The following table summarizes the testimony heard at the public hearing on June 28, 2012. Further detail on staff responses will be presented at the worksession.

2012-2016 Subdivision Staging Policy				
Issue #	Plan recommendation/ page	Testimony	Staff response	Board decision date
	Adopt the TPAR methodology for determining adequacy of transit and roadway facilities. (SSP recommendation #1, page 36)	J. Genn, C. Anderson: TPAR Methodology is too car-dependent. Clarity on getting high quality road system, but not high quality transit.	TPAR explicitly addresses both auto and transit travel. The transit component of TPAR is separate from, but complementary to, the auto component and requires the achievement of policy area adequacy for three service parameters – span, headway and coverage. TPAR identifies high quality transit improvements, such as the CCT and Purple Line, as projects which are needed in order to achieve transportation adequacy by 2040.	
	Determine TPAR fees to be paid by private development based on the cost of improvements needed in each policy area by 2040 divided by the number of new trips projected for each policy area by 2040. (SSP recommendation #2, page 36)	R. Harris, R. Kauffman, S. Robbins, S. Elmendorf: Fee amount unknown at hearing—assumption that fees will be more expensive than PAMR. Combined with Impact Taxes, fee is a double payment for cost of growth. Cost burden in congested areas will run counter to goal of smart growth. Shouldn't pay for trips generated beyond Policy Area and County boundaries. Perhaps assess conditions in Policy Area, but have everyone pay the same amount. Perhaps get rid of policy—many other areas do not have equivalent—or get rid of it in urban areas that meet certain criteria (e.g. White Flint). Make Bioscience projects exempt. Make fee proportionate to the existing traffic on an arterial.	The payments associated with TPAR will be identified and presented at the Planning Board SSP worksession #2 scheduled on 7/19. This information will also be presented at a TPAR Stakeholders meeting scheduled on 7/17. Per trip TPAR payments will be capped to be no more than PAMR payments (\$12K per trip). The Planning Board will recommend and the Council will adopt the level of public versus private commitment associated with the TPAR payment (by policy area).	

	<p>Ensure that projects are placed into the Facility Planning Program when 10 percent of the needed funds are contributed by the private sector and into the Capital Improvement Program when funding agreements are in place for the remainder of the private share. (SSP recommendation #3, page 36)</p>	<p>C. Anderson, G. Orlin: Council should have more flexibility in making decisions on allocation of funds. 10 percent threshold sounds like the project then goes on “auto pilot.”</p>	<p>This is a staff recommendation. The Planning Board and Council may identify an alternative threshold as more appropriate from a policy perspective.</p>	
	<p>Update the TPAR test every two years starting in 2014 to assist in incorporating new transportation strategies and data and to assist in fine-tuning the priorities for the CIP. (SSP recommendation #4, page 36)</p>	<p>No comments on this recommendation.</p>		
		<p>S. Robbins: Impact Tax law should allow for contributions for state facilities (i.e. Rt. 29)</p>	<p>Not relevant to TPAR. TPAR payments will be collected in support of County transportation projects.</p>	

Draft Council Resolution

The draft County Council resolution is included as Attachment 2 with this staff report. It includes language to address most of the issues in the Subdivision Staging Policy. Most of the language edits are to correct changes in terminology from “Growth Policy” to “Subdivision Staging Policy” and from “Policy Area Mobility Review” to “Transportation Policy Area Review”, to replace language related to the methodology and standards for transit and roadway adequacy in the regional transportation test and to remove obsolete language. In a few places, language must be developed to implement the consensus reached during the worksessions.

Remaining issues include:

- The ability of developers to offset TPAR payments by:
 - Trip Mitigation
 - Trip Reduction by providing non-auto facilities
 - Adding Transit Capacity
 - Adding Road Capacity

- Retaining the Special Mitigation Standards allowing a 25% payment discount for projects located entirely in a Metro Station Policy Area or the Germantown Town Center Policy Area, or entirely in Kensington, White Oak, Rock Spring Park, or the North Bethesda Road Code Urban Area if the proposed development would meet all of the following conditions:
 - At least 50 percent of the floor area must be used for residences.
 - The development must use at least 75 percent of the achievable on-site density allowed under Chapter 59, subject to any lower limit imposed in a Master or Sector Plan and applied under Chapter 59.
 - The development must achieve a minimum energy cost savings percentage, using applicable LEED standards, of 17.5% for new construction and 10.5% for renovation, or offset at least 2.5% of its annual building energy costs on site, using applicable LEED standards.

- Exempting public facilities from making TPAR payments or providing LATR improvements as part of the Mandatory Referral process. Such projects would still have to provide a pedestrian and bicycle safety plan, pedestrian and vehicular circulation plan, and a traffic impact statement to assess the impact of the facility on transportation and circulation.

A revised version of the resolution will be prepared for the July 26, 2012 Planning Board meeting.

School Impact Tax

The staff recommendation to update the school facility payment rate to reflect the most recent school construction costs available requires an amendment to Article XII replacing the current school facility payment rates from 2007 (\$19,514 per elementary student, \$25,411 per middle school student, and \$28,501 per high school student) with 2012 rates (\$19,439 per elementary school student, \$21,250 per middle school student, and \$24,375 per high school student).

Currently, under the school facility payment section of Article XII there is no provision to require the Department of Finance to adjust the payment rates on a biennial basis to reflect updated construction cost figures. However, the following requirement is stated under the school facility payment, *“The Payment must be paid at the same time and in the same manner as the tax under this Article, and is subject to all provisions of this Article for administering and collecting the tax.”*

Under the school impact tax, there is a provision for a biennial adjustment to the tax to reflect updated construction costs. If the intention is to treat the school facility payment in the same manner as the school impact tax, then adding this automatic update to Article XII is required. See Attachment 3 for proposed changes to Article XII.

Attachments

1. Revised Chapter 5 of the 2012 Transportation Policy Area Review report
2. Draft County Council Resolution adopting the 2012-2018 Subdivision Staging Policy
3. Draft amendments to Article XII

MD/EG/PD/kr

Countywide Solutions for Roadway Adequacy and Costing Analysis

The overall Roadway Adequacy Analysis steps were discussed above in Section III, Part 2. This part presents and discusses the main countywide roadway adequacy results of applying the TPAR approach. Three main stages are presented in terms of the comparison combinations that were analyzed, although other comparison combinations were considered. The three main comparison combinations and their associated future networks and development activity forecasts are as follows:

- **Regulatory Planning Stage**, which uses the 2018 network with programmed CIP and CTP projects and 2018 development activity
- **Transportation Planning Improvement Stage**, which uses a 2022 network with the prior projects plus new conditional projects and 2022 development activity and
- **Transportation Master Plan—Costing Stage**, which uses the same network as the first but with 2040 development activity.

Exhibits 5.5a and 5.5b include the results of one of the first steps of the Roadway Adequacy Assessment, which is to prepare a list of programmed roadway and transit projects organized by Policy Area. That was the list of projects used in the Regulatory Planning Stage part of the analysis. The list also contains several potential conditional projects which were used in the Transportation Planning Improvement Stage part of the analysis. The list has also been augmented to more clearly identify longer range Master Plan projects that are being used in the longer-term Costing Analysis, as per the discussion in Section III on page 30 for Steps 23 and 24. For ease of review, Exhibit 5.4a is associated with County wide projects and those in the Urban Policy Areas with Metrorail and Exhibit 5.4b for projects in the remainder of the Policy Areas. This is also anticipated in helping in the Costing Analysis that is still under review.

Staging of County CIP, State CTP and Master Plan Projects Used in TPAR 2012 (updated to 6-6-12)							Cond. Proj. by 2022	MP Proj. by 2040
Program Document	Project Name	Improvement Type and/or Limits	Policy Area	Open by 2012	Prog. by 2018			
CTP	Intercounty Connector (MD 200)	I-370 to I-95 (6 lane freeway)	Countywide	Y	Y	Y	Y	
CTP	Intercounty Connector (MD 200)	I-95 to US 1 (4 lane freeway)	Countywide	N	Y	Y	Y	
CTP	Intercounty Connector (MD 200)	Collector/Distributor Lanes along I-95, MD 200 to MD 198	Countywide	N	Y	Y	Y	
CTP	Purple Line LRT	<i>Project Planning may be sufficient if conditional funding approved</i>	Countywide	N	N	Y	Y	
CLRP	Corridor Cities Transitway BRT	Shady Grove to Metropolitan Grove	Countywide	N	N	Y	Y	
CLRP	Corridor Cities Transitway BRT	Metropolitan Grove to Clarksburg	Countywide	N	N	N	Y	
CIP	Equip Maint Oper Ctr (EMOC)	Bus Garage expansion to serve Ride-On buses	Countywide	N	Y	Y	Y	
CIP	North County Depot	Bus Garage expansion to serve Ride-On buses	Countywide	N	N	Y	Y	
CIP	Ride-On Peak Headway Cond Imp	Peak headway improvements: assumption of 13 routes in 9 Areas	Countywide	N	Some	Y	Y	
CTP	Paul S. Sarbanes Transit Ctr	Silver Spring Metro/MARC/Ride-On	SSTP	N	Y	Y	Y	
CIP	Citadel Ave. Extended	Marinelli Rd to Nicholson Lane (2 lanes)	NB	Y	Y	Y	Y	
CIP	Montrose Parkway West	Montrose Rd to Hoya St. (4 lanes)	NB	Y	Y	Y	Y	
CIP	Nebel St. Extended	Chapman Ave. to Randolph Rd (4 lanes)	NB	Y	Y	Y	Y	
CIP	Chapman Ave Extended	Randolph Rd to Old Georgetown Rd (2 lanes)	NB	N	Y	Y	Y	
CIP	Montrose Parkway East	Parklawn Dr to Veirs Mill Road (MD 586) (4 lanes)	NB	N	Y	Y	Y	
CIP	Montrose Parkway East	MD 355/Montrose Parkway Interchange to Parklawn Dr (4 lanes)	NB	N	Y	Y	Y	
CTP	Rockville Pike (MD 355) / Montrose Parkway Interchange	Includes connection on Montrose Parkway West from Hoya St to Randolph Road	NB	N	Y	Y	Y	
CTP	Georgia Ave (MD 97)	Interchange of Georgia Avenue (MD 97) with Randolph Rd	KW	N	Y	Y	Y	
CIP	Forest Glen Metro Underpass	Underpass of Georgia Ave (MD 97) Pedestrians/Bike Improvement	KW	N	N	Y	Y	
CTP	Connecticut Ave. (MD 185)	I-495 to Jones Bridge Road (BRAC project) (add 4th SB Lane)	BCC	N	Y	Y	Y	
CTP	Connecticut Ave. (MD 185)	Manor Road to I-495 (BRAC project) (Add 4th NB lane)	BCC	N	Y	Y	Y	
RKV			RKV					
CIP	Redland Rd	Crabbs Branch Way to Needwood Rd (4 lanes)	DER	Y	Y	Y	Y	
CIP	Redland Rd	Needwood Rd to Baederwood Lane (3 lanes)	DER	Y	Y	Y	Y	
CLRP	MidCounty Highway	Shady Grove Rd. to ICC (4 lanes)	DER	N	N	N	Y	

Exhibit 5.5a: Transportation Projects in the Road Adequacy and Cost Analysis; Part A

Program Document	Staging of County CIP, State CTP and Master Plan Projects Used in TPAR 2012 (updated to 6-6-12)					Cond. Proj. by 2022	MP Proj. by 2040
	Project Name	Improvement Type and/or Limits	Policy Area	Open by 2012	Prog. by 2018		
			RDV				
CIP	Watkins Mill Rd Extended	MD 355 to MD 117, without a connection yet across I-270 (4 lanes)	GBG	Y	Y	Y	Y
CTP	Watkins Mill Rd Bridge of I-270	(interchange would be a separate and later project)	GBG	N	N	Y	Y
CTP	Watkins Mill Rd Interchange	Interchange of I-270 with Watkins Mill Road Extended	GBG	N	N	Y	Y
CTP	MidCounty Highway	Middlebrook Road to Montgomery Village Ave (MD124) (4 lanes)	GBG	N	N	Y	Y
CIP	Fairland Rd Improvement	US 29 to Prince George's County line (3 lanes)	FWO	Y	Y	Y	Y
CIP	Greencastle Road	Greencastle Ridge Terrace to Fairland Park Entrance (4 lanes)	FWO	Y	Y	Y	Y
CTP	Columbia Pike Interchange	Interchange of Columbia Pike (US 29) with Fairland Road	FWO	N	N	Y	Y
CIP	Father Hurley Blvd Extended	Wisteria Dr to Germantown Rd (MD 118) (4 lanes)	GTW	Y	Y	Y	Y
CIP	Century Boulevard	Complete connecting loop road to Crystal Rock Drive (4 lanes)	GTW	N	Y	Y	Y
CLRP	Dorsey Mill Rd Bridge over I-270	Century Blvd to Observation Drive	GTW	N	N	Y	Y
CIP	Snouffer School Road	Sweet Autumn Drive to Centerway Road (5 lanes)	MVA	N	Y	Y	Y
CIP	Snouffer School Road North	Centerway Rd to Ridge Heights Drive (4 lanes) (Webb Tract)	MVA	N	Y	Y	Y
CTP	Woodfield Rd. (MD 124)	Airpark Road to Fieldcrest Road (6 lanes)	MVA	Y	Y	Y	Y
CIP	Goshen Road	Odenhal Road to Warfiled Road (widen to 4 lanes)	MVA	N	Y	Y	Y
			AH				
CLRP	Dorsey Mill Rd Bridge over I-270	Century Blvd to Observation Drive	GTE	N	N	Y	Y
CLRP	MidCounty Highway	Middlebrook Road to Ridge Road (MD 27) (4 lanes)	GTE	N	N	N	Y
CLRP	MidCounty Highway	Middlebrook Road to Montgomery Village Ave (MD124) (4 lanes)	GTE	N	N	N	Y
			CLV				
CTP	Clopper Road Widening (MD 117)	Watkins Mill Road to Game Preserve Road	NP	N	N	Y	Y
			OLY				
			POT				
CIP	Stringtown Road	MD 355 to St. Clair Rd / Snowden Farm (4 lanes)	CLK	Y	Y	Y	Y
Private	Snowden Farm Parkway	MD 355 to MD 121 (2 lanes); Md121 to MD 27 (4 lanes)	CLK	N	Y	Y	Y
Private	Little Seneca Parkway	MD 27 to MD 355 (4 lanes)	CLK	N	Y	Y	Y
CIP	Woodfield Rd Extended	North of Main St. (MD 108) to Ridge Rd (Md 27) (2 lanes)	DAM	Y	Y	Y	Y

Exhibit 5.5b: Transportation Projects in the Road Adequacy and Cost Analysis; Part B

The left most column of the two-part Exhibit indicates the basic source document for the project that includes the MDOT CTP, the County’s CIP, the Constrained (Fiscally) Long-Range Transportation Plan (CLRP) of MWCOG, and private/public projects associated with approved developments. The project name and then the improvement type and/or limits are given next followed by the abbreviation for the Policy Area that is directly served by the project, or whether the project is considered a County wide one. If a project spans two or more adjacent areas it generally is listed in each Policy Area.

The four right-most columns are indications of staging-status for purpose of the adequacy and costing analyses. The first two of the staging-status columns are applicable to the Regulatory Planning Stage, which includes consideration of Local Area Transportation Reviews (LATR). The first of those columns has green shading with bolded “Y” for Yes; or gray shading and a gray “N” for No. The same general format is used for the next column but light-yellow shading is used instead. A non-shaded row in the second staging-status column indicates that project was previously available for the prior stage.

The last two right-most columns are used to indicate whether a new project is beginning to be considered as a “conditional project” by the 10-year time horizon of 2022, or as a longer-term “costing-related” project that could address anticipated remaining deficiencies associated with the Transportation Planning Improvement Stage, where such costing projects have three gray-No’s to the left. A few rows in the Exhibits are blank indicating that no programmed, conditional, or costing projects have been identified for that Policy Area. Some of the projects listed associated with the last two columns are still in a state of flux and may be changed as part of the final costing analysis.

Regulatory Planning Stage: Exhibit 5.6 presents the results of the Roadway Adequacy Analysis for the Regulatory Planning Stage using the 2018 network with programmed CIP and CTP projects and 2018 development activity. This comparison combination is similar in terms of its input assumptions to that which would be used in the current PAMR analysis except there the amount and pattern of the development activity would be based on the “pipeline” of approved development. As discussed in the example of a similar chart in Section II, Part 2, the “brown-hatched” bars show (a) the **range** of the average of roadway speeds by direction of travel in relation to the “free flow speed”, or LOS, for each Policy Area in the PM peak period, (b) the bottom of the bar shows the average LOS in the peak direction of travel, and (c) the top of the bar shows the average speed (LOS) in the non-peak direction.

The results indicate reading from left to right that two Policy Areas (Potomac and North Potomac) for this combination of network and development would be slightly more congested on average than their standard. Two other Policy Areas (Fairland White Oak and Gaithersburg) would have their peak direction average congestion levels being very close to the standard. Additional information is presented in Section VI for all of the Policy Areas that indicates which of the roadways in each area has peak direction congestion more congested than the standard for the area and which roadways are less congested on average than the areawide standard.

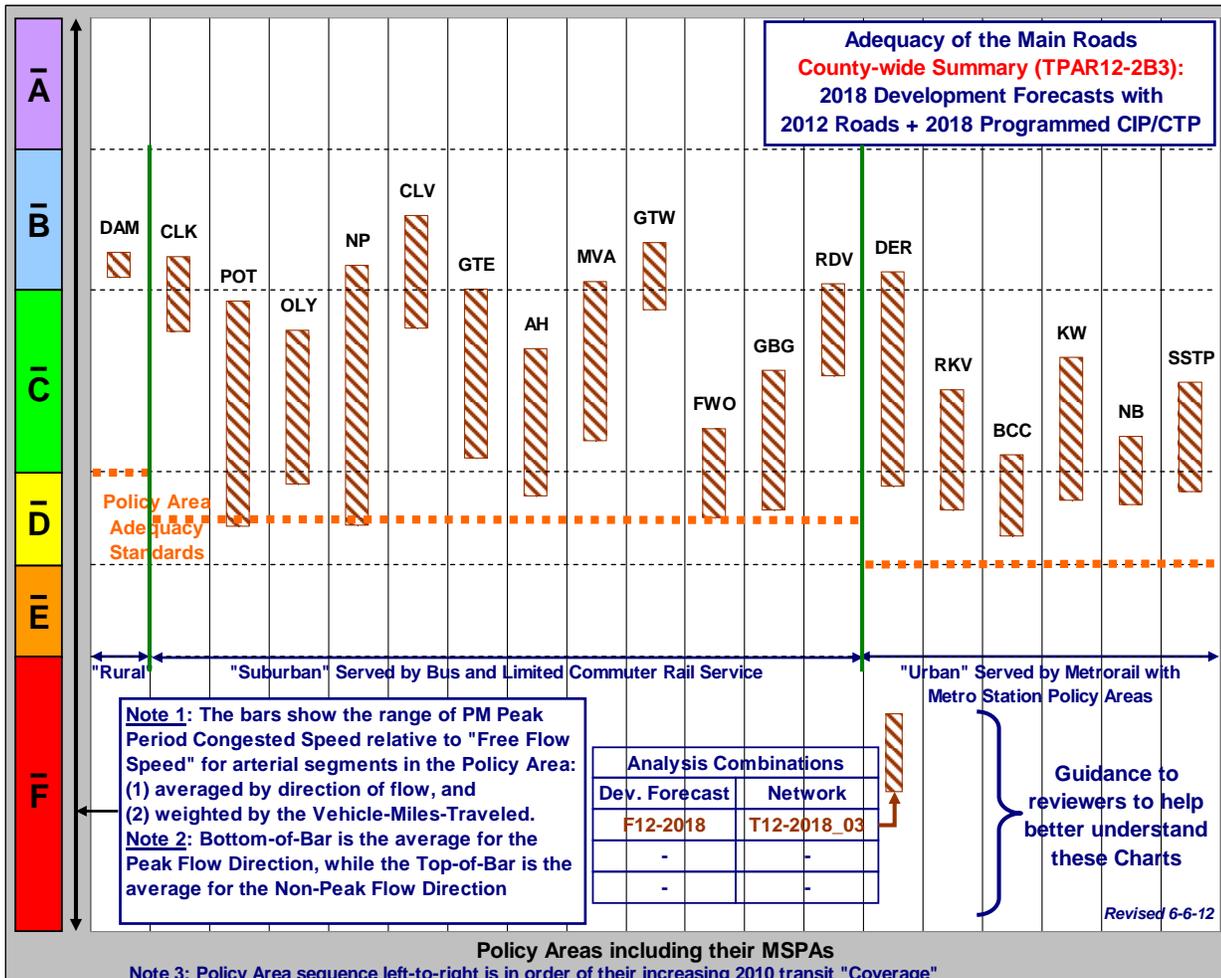


Exhibit 5.6: Countywide Results for the Regulatory Planning Stage

Transportation Planning Improvement Stage: Exhibit 5.7 presents the results of the Roadway Adequacy Analysis for the Transportation Planning Improvement Stage using: (a) development activity for 2022 and (b) the 2022 network with programmed CIP and CTP projects and the conditional projects from Exhibit 5.5. This comparison combination is a new feature of TPAR and is designed to give better guidance to MCDOT in the programming activities. Similar to the preceding chart, the “green-hatched” bars show (a) the **range** of the average of roadway speeds by direction of travel in relation to the “free flow speed”, or LOS, for each Policy Area in the PM peak period, (b) the bottom of the bar shows the average LOS in the peak direction of travel, and (c) the top of the bar shows the average speed (LOS) in the non-peak direction.

The results indicate reading from left to right that two Policy Areas (Potomac and Fairland White Oak) for this combination of network and development would be more congested on average than their standard. Three other Policy Areas (Aspen Hill, Gaithersburg, and Bethesda Chevy Chase) would have their peak direction average congestion levels being very close to the standard. Additional information is presented in Section VI for all of the Policy Areas that indicates which of the roadways in each area has peak direction congestion more congested than the standard for the area and which roadways are less congested on average than the areawide standard. The need for consideration of additional potential conditional projects is part of those discussions in Section VI for each of the Policy Areas.

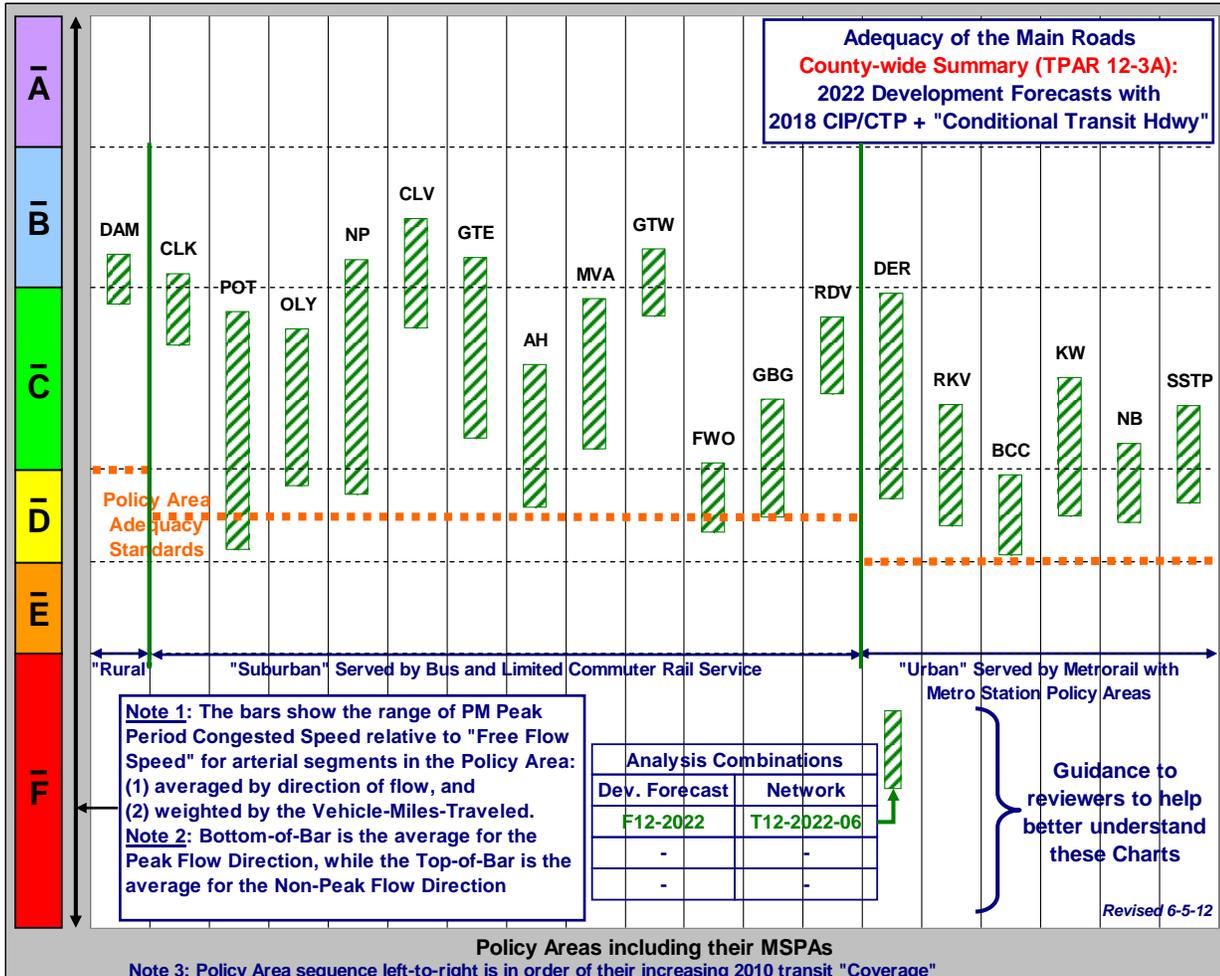


Exhibit 5.7: Countywide Results for the Transportation Planning Improvement Stage

Transportation Master Plan—Costing Stage: Exhibit 5.8 presents the results of the Roadway Adequacy Analysis for the Master Plan – Costing Stage using the 2018 network with programmed CIP and CTP projects and 2040 development activity. This comparison combination is a new feature of TPAR and is designed to give improved guidance to MCDOT on how to better allocate the future cost of transportation improvements in different Policy Areas.

It is recognized that this is mostly a hypothetical comparison combination and is not at all likely to happen. It makes the point, however, that if no additional projects would be added to the CIP and CTP and development proceeded as in the Cooperative Forecasts for 2040 then the degree of congestion in many Policy Areas of the County would be severely congested on average and most of the remaining Policy Areas would have average congestion near their standard.

Additional information on this combination is also presented in Section VI for all of the Policy Areas that indicates which of the roadways in each area would be the most impacted by this hypothetical combination. In those discussions, this comparison combination is also a good indicator of which roadways in each Policy Area would be most in need of improvement.

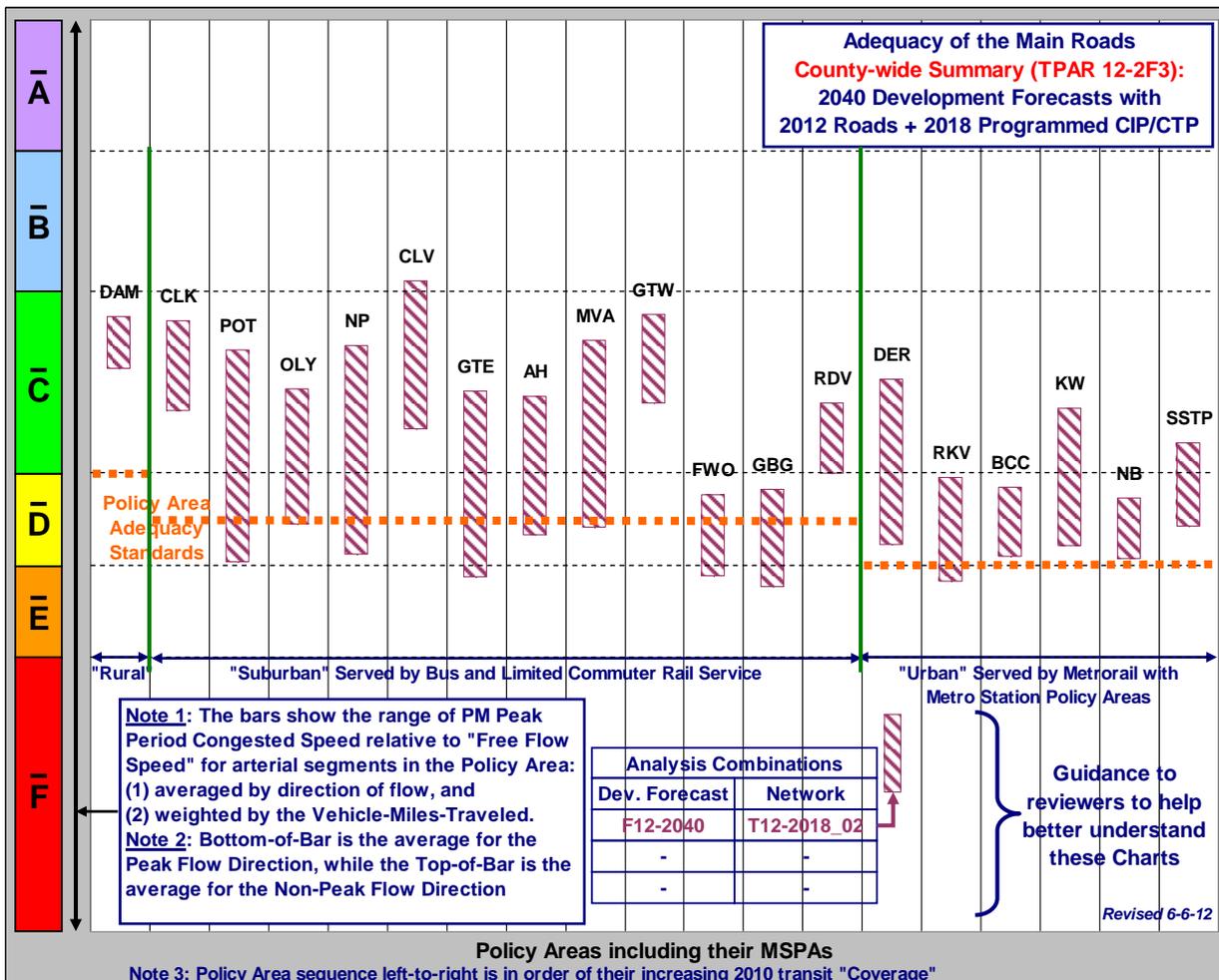


Exhibit 5.8: Countywide Results for the Master Plan – Costing Stage

3. Analysis of the Illustrative List of Additional Projects for Purposes of 30-year Costing

In Exhibit 5.5a and 5.5b given above the two right-most columns identify what have been termed as 10-year Conditional Projects or 30-Year Projects for Costing Purposes. Both of those lists are in keeping with the ideas of “MAP-21”, just referenced above, of there being “Illustrative List(s)” of future projects that would be included in the regional financial plan if reasonable additional (**public and private**) resources beyond those identified in the financial plan were available (emphasis added). This part of Section V focuses on the Costing Analysis for those conditional, illustrative projects that are identified here in TPAR12. It also provides a local policy basis for identifying the magnitude of needed additional public and private resources to serve 10-year and 30-year forecasted growth in development activity in Montgomery County.

Overview of the Costing Analysis: Exhibit 3.12 given above in Section III, Part 3 gave general guidance and the Steps needed to carry out the TPAR Costing Analysis. An important part of that general approach is to separately account for transit cost and roads cost, which is in keeping with a major premise of TPAR to have interrelated but separate analyses for transit and roads in relations to the forecasts of development activity. In this specific application of the TPAR approach for the overall costing analysis the results for Transit are presented first while the results for Roads are presented second. In addition to their presentation order there are analytical differences in the costing methods, assumptions, and “accounting” for such costs. One key difference is for the local, bus oriented transit and similar mid-term improvements to be related to a 10-year time horizon, while the roads and major capital intensive transit projects are related to a 30-year, long-range time horizon. With respect to allocating the costs of each to respective Policy Areas, Exhibit 3.13 on Trends in Trip-End Growth was given above as a reasonable way to prorate such costs to particular Policy Areas, for the 10-year and 30-year time horizons. An approach to then divide those costs into appropriate public and private shares is given later in this Part in conjunction with the roll-up of the respective Transit and Road related costs.

Allocation of Transit-Related 10-Year Costs to Policy Areas: Exhibit 5.9 below for the Allocation of 10-Year Costs to Policy Areas is adapted from the Trend in Trip-Ends information presented above in Exhibit 3.13. To facilitate the transparency of the discussion of this and a few of the succeeding tables, row numbers (down on the left) and column letters (across the top) associated with those of the underlying spreadsheets are given here. Columns H and K give the total trips-ends by Policy Area estimated for 2010 and 2022, while Columns R and Y respectively give the Trip-End Growth and the Percent Growth of Policy Area Trip-Ends to the total growth in Trip-ends in the County. Columns R and Y are used in the allocations of Conditional Project costs to particular Policy Areas in the five column pairs to the right of the “lavender” Column AD. The following discussion explains the content of those five pairs of columns.

- **Columns AE and AF:** On page 45 above the 10-year capital and operating costs for Peak Headway improvement conditional transit project was estimated at about \$64 million and is shown here in Column AF/Row 5. The percentages shown in Column AE are based on the proportion of the improved routes that is located in each respective Policy Area, while the

allocated dollars in Column AF are the prorated by those mile divided by the total miles and multiplied by the total estimated cost for that conditional project. The sum of the dollar values shown in Column AF add back to the total of \$64 million. Thus the combined affect of Columns AE and AF is to allocate that estimated cost among the 17 Policy Areas shown in proportion to their bus route miles to be improved. Recent interagency coordination has indicated that using the percentage of the miles of each improved bus route, which pass through each Policy Area relative to the total route-miles of that set of routes in all Policy Areas, is a reasonable way to allocate these transit improvement costs among the Policy Areas.

- Columns AG and AH:** The estimated cost of \$95 million for the potential project of headway and coverage improvements is given in column AH/Row 5. This is shown here for information only and is thus shown in gray font and a “strike-through”. The allocation among the five Policy Areas to which the category of “Urban Policy Area without Metrorail service could be applied are indicated in these two columns. However, the allocation of those costs for now follows the proportion of Trip-End growth and the method used as described in the prior paragraph has not yet been applied here. There are four other nearby Policy Areas in which those enhanced transit routes would serve and they would need to be included in the allocation as well if the Board and/or Council want to pursue using this future option at this time.

Exhibit 5.9: Allocation of 10-Year Transit Costs to Policy Areas for TPAR 2012 Payments
(Revised Staff Draft 7-12-12)

C	D	E	O	R	U	V	Y	AC	AD	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV
Trends in PM Peak Hour (5-6PM) Total Person Trip-Ends for All Trip Types (Motorized and Non-Motorized) by Policy Area are shown to the left of Column AD (updated 6-25-12)			2010 to 2022 Total Trip End Growth by Policy Area	2010 to 2040 Total Trip End Growth by Policy Area	2010 to 2022 Percent Growth of Total Trip Ends by Policy Area	2010 to 2040 Percent Growth of Total Trip Ends by Policy Area	2010 to 2022 Allocated Transit-Related Costs by Policy Area	Allocated TPAR-12 10-Year Transit Costs per Trip-End	MCDOT Allocated TPAR-12 30-Yr Road Costs by Policy Area (\$1,000's)	MCDOT Allocated TPAR-12 30-Year Costs per Trip-End	MD/SHA Allocated TPAR-12 30-Yr Road Costs by Policy Area (\$1,000's)	MD/SHA Allocated TPAR-12 30-Yr Road Costs per Trip-End	Total Allocated TPAR-12 Costs by Policy Area (\$1,000's)	Allocated TPAR-12 Costs per Future Trip-End	Cost Sharing Priority: Percent Private Costs (still to be changed)	2012 TPAR Payment Rate per Future Trip-End			
1																			
2																			
3																			
6	SSTP	26	Silver Spring/Takoma Park	7,708	12,459	6.8%	4.9%	\$702	\$91	\$0	\$0	\$0	\$0	\$0	\$0	\$702	\$91	50%	\$46
7	NB	18	North Bethesda	16,646	37,748	14.7%	14.7%	\$4,848	\$291	\$0	\$0	\$0	\$0	\$0	\$0	\$4,848	\$291	50%	\$146
8	KW	16	Kensington/Wheaton	6,366	11,535	5.6%	4.5%	\$3,115	\$489	\$0	\$0	\$0	\$0	\$0	\$0	\$3,115	\$489	50%	\$245
9	BCC	3	Bethesda/Chevy Chase	12,912	19,802	11.4%	7.7%	\$2,488	\$193	\$0	\$0	\$0	\$0	\$0	\$0	\$2,488	\$193	50%	\$96
10	RKV	23	Rockville City	14,425	27,023	12.7%	10.6%	\$4,503	\$312	\$0	\$0	\$0	\$0	\$0	\$0	\$4,503	\$312	50%	\$156
11	DER	7	Derwood	5,276	14,836	4.7%	5.8%	\$5,580	\$1,058	\$50,130	\$3,379	\$0	\$0	\$0	\$55,710	\$4,437	50%	\$2,218	
12	RDV	22	R & D Village	5,892	20,392	5.2%	8.0%	\$3,157	\$536	\$6,600	\$324	\$0	\$0	\$0	\$9,757	\$859	50%	\$430	
13	GBG	10	Gaithersburg City	13,994	37,568	12.4%	14.7%	\$8,961	\$640	\$61,600	\$1,640	\$18,477	\$492	\$70,561	\$2,280	50%	\$1,140		
14	FWO	8	Fairland/White Oak	290	2,351	0.3%	0.9%	\$1,207	\$4,157	\$0	\$0	\$47,020	\$20,002	\$1,207	\$4,157	50%	\$2,078		
15	GTW	13	Germantown West	4,018	17,098	3.5%	6.7%	\$4,578	\$1,139	\$12,676	\$741	\$6,055	\$296	\$17,254	\$1,881	50%	\$940		
16	MVA	17	Montgomery Village/Airpark	292	1,004	0.3%	0.4%	\$1,215	\$4,160	\$10,720	\$10,679	\$0	\$0	\$11,935	\$14,839	50%	\$7,420		
17	AH	1	Aspen Hill	424	455	0.4%	0.2%	\$2,502	\$5,896	\$0	\$0	\$18,720	\$41,166	\$2,502	\$5,896	50%	\$2,948		
18	GTE	11	Germantown East	2,436	9,918	2.2%	3.9%	\$4,321	\$1,773	\$143,115	\$14,430	\$0	\$0	\$147,436	\$16,204	50%	\$8,102		
19	CLV	5	Cloverly	48	133	0.0%	0.1%	\$1,521	\$31,448	\$0	\$0	\$0	\$0	\$1,521	\$31,448	50%	\$15,724		
20	NP	19	North Potomac	365	2,255	0.3%	0.9%	\$3,245	\$8,884	\$0	\$0	\$17,788	\$7,887	\$3,245	\$8,884	50%	\$4,442		
21	OLY	20	Olney	996	3,469	0.9%	1.4%	\$6,822	\$6,846	\$0	\$0	\$0	\$0	\$6,822	\$6,846	50%	\$3,423		
22	POT	21	Potomac	3,072	4,186	2.7%	1.6%	\$5,945	\$1,935	\$0	\$0	\$0	\$0	\$5,945	\$1,935	50%	\$968		
23	CLK	4	Clarksburg	14,865	26,413	13.1%	10.3%	\$4,658	\$313	\$0	\$0	\$0	\$0	\$4,658	\$313	50%	\$157		
24	DAM	6	Damascus	860	2,306	0.8%	0.9%	\$31	\$36	\$0	\$0	\$0	\$0	\$31	\$36	50%	\$18		
25	RurE	30	Rural East	1,823	3,990	1.6%	1.6%	\$1,001	\$549	\$0	\$0	\$0	\$0	\$1,001	\$549	50%	\$274		
26	RurW	31	Rural West	578	1,029	0.5%	0.4%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	50%	\$0		
27	Total Trip Ends to/from Policy Areas			113,289	255,966	100.0%	100.0%	\$70,400		\$284,841		\$107,069		\$355,241					

- Columns AI and AJ for an Enhanced Commuter Services Program:** These two columns address the need for comprehensive Transportation Demand Management improvements in several of the Policy Areas, which as noted as part of the initial discussions of Transit in Section III, Part 2 is considered an aspect of Transit for costing purposes. This is a recommendation for having a Conditional Project for an enhancement to the Commuter Services Program administered by MCDOT to serve the selected set of Policy Areas as shown in Exhibit 5.9. It is being proposed that an additional 10 percent of the total cost for the Peak Headway improvements be set aside for these activities and that of enhanced bicycling and pedestrian improvements activities, which is discussed in the next column-pair. It is proposed by Column

AI to have the enhancements serve: (1) five Policy Areas with the five current Transportation Demand Management Districts (TMD) that have been established by law, (2) provide for similar services in the Kensington Wheaton Policy Area, which does not yet have a formal TMD, and (3) for the Fairland White Oak Policy Area, help work towards establishing a different type of TMD that would provide commuter assistance not only at the work end of a commute trip but also at the home end for current and future residents of the Fairland White Oak area. A separate target allocation for the Fairland White Oak Policy Area of about \$400,000 dollars is being proposed over the 10-year period.

- **Columns AK and AL for an Enhanced Bicycling and Pedestrian Improvement Program:** These service enhancements are seen as being Countywide and would be oriented to making better pedestrian and bicycling connections between existing and future development to various activity centers. The District of Columbia has been successfully demonstrating the benefits of supporting privately run Bike Sharing programs and a similar pilot project is being developed by MCDOT with support of a Federal grant. These allocations could provide for further expansions of such enhanced bicycling improvements in additional appropriate locations in the County. Costs are not shown being allocated for the Cities of Rockville or Gaithersburg as they may continue to choose to fund their own such pedestrian and bicycling improvements.
- **Columns AM and AN; Transit 10-Year Cost Totals and Costs per Net New Trip-End:** Column AM is the sum of the allocated dollars per Policy Area from Columns AE, AI, and AK but not Column AG. As shown in Column AM/Row 27 that would total about \$70.4 million over the 10-year period, or about \$7 million per year. Dividing the respective amounts in each row of Column AM by the net growth in trip-ends from Column R results in the 10-year Transit related costs per Net-New Trip-Ends for each Policy Area that are shown in Column AN. Those amounts are the Transit-related TPAR Payment Rates. The Total TPAR Payment rates, which still need to account for Road related costs, as discussed next.

Results of the 30-Year, Road Adequacy Analysis: One of the main premises for the TPAR costing approach discussed above in Section III, Part 3 related particularly to longer-term projects such as arterial roads and major transit improvements, was to avoid a “free-rider” situation. As such the TPAR Costing Analysis for such projects is using the 30-year forecast of Development Activity, which for the 2012 TPAR analysis involves using the 2040 Development Forecasts. Exhibit 5.8 above showed the interim results of the long-range Roadway Adequacy Analysis using the 30-Year forecast of Development Activity and a future road network consisting of existing roads and programmed improvements. The roadways in a number of additional Policy Areas would not be attaining the adequacy standards for Roads with that combination.

For purposes of doing the 30-Year Costing Analysis two sets of roadways were identified that are shown above in Exhibit 5.5a and 5.5b as the last two columns, which respectively are Conditional Projects for the 10-Year period to 2022, and an illustrative list of potential conditional projects for the 30-Year period to 2040. Similar roadway-by-roadway results given below in Section VI on a Policy Area –by-Policy Area basis were also used to help identify this appropriate illustrative list of potential Conditional Projects as was information presented in Appendix C. Exhibit 5.10 below presents the results of the modeling analysis on a Policy Area – by Policy Area basis while at the same time comparing those results to those from Exhibit 5.8 given above.

The following is a discussion of results of particular Policy Areas shown in Exhibit 5.10 relative to the adequacy standards for those Policy Areas.

- **Countywide TPAR Summary Chart:** Exhibit 5.10 compares the two combinations of modeled future Development Activity and future transportation network improvements as already

discussed. It shows (by the green-dashed oblong shapes) that for most of the Policy Areas the set of Long-Range Cost-Improvements would result in the Roadway network meeting the adequacy standards for those areas. In particular reading from right to left – particularly for OLY, NP, GTE, AH, and MVA, and DER. The direct improvements in DER of connecting Midcounty Highway to MD 200 (the ICC) would further improve the road adequacy of that Policy Area. Technical modifications were done to clarify the boundary between the Aspen Hill and Olney Policy Areas as a result of this Costing Analysis. A few Policy Areas would perhaps remain problematic as discussed next, which are indicated by the blue-arrows in Exhibit 5.10.

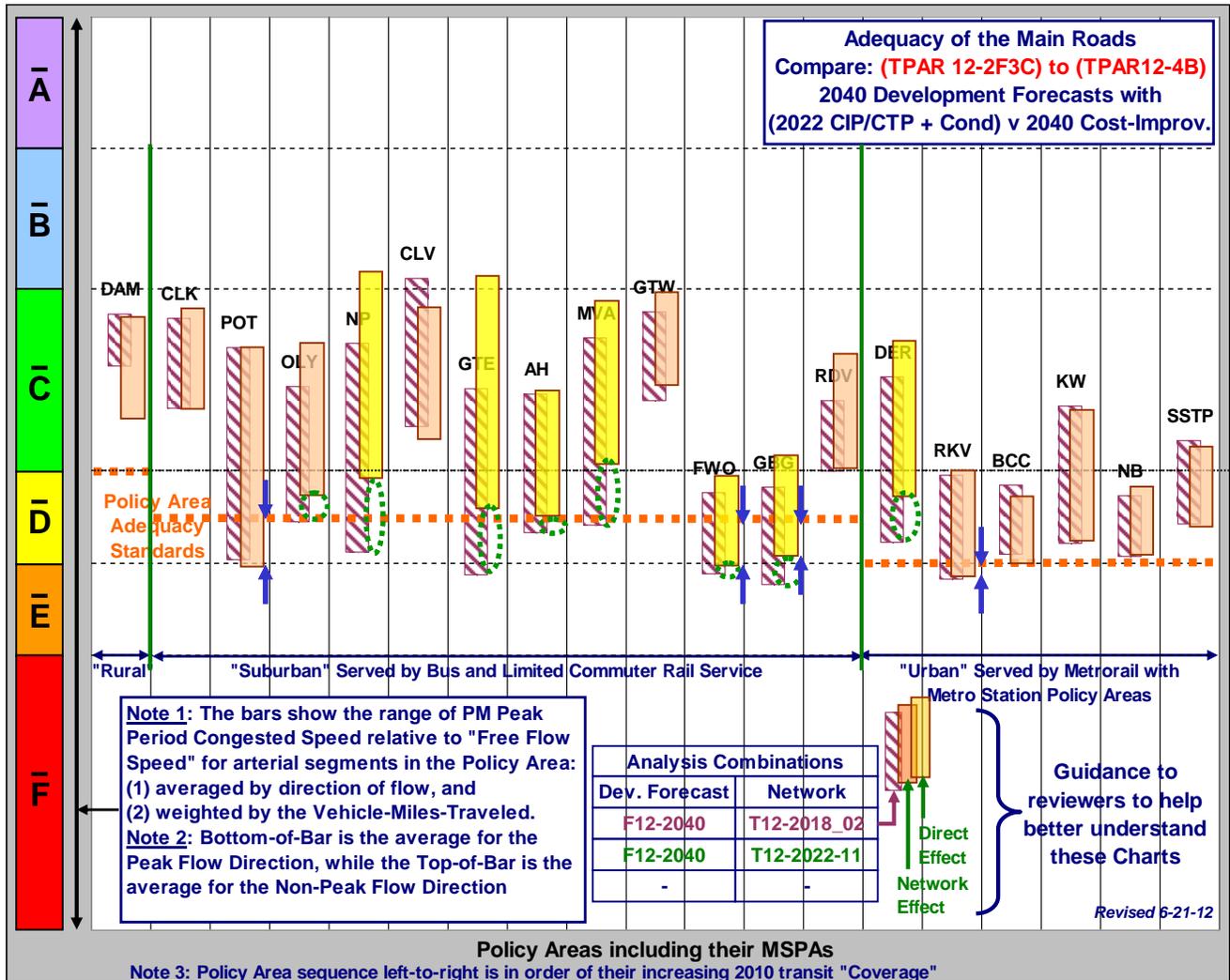


Exhibit 5.10: Countywide Results for the Master Plan – Costing Stage

- **Potomac Policy Area (POT):** while the congestion levels are forecast to not be adequate, being so would be in keeping with the policies of the Potomac Master Plan regarding retaining the character of the two-lane roads. As such no road improvements are being tested for this Policy Area and the congestion levels will be considered as being adequate.
- **Fairland White Oak (FWO):** Exhibit 5.6, page 51, for the Regulatory Planning Stage shows this area having roadway adequacy but the 10-year forecast in Exhibit 5.7, page 52, shows this area having roadway congestion that does not meet the adequacy standards. That is even more so for the longer-term forecasts shown in Exhibit 5.8, page 53. Two potential longer-term Cost-Improvement solutions were modeled and while they would result in somewhat less average

congestion, they appear not to be sufficient to attain roadway adequacy by themselves. To a considerable degree, the congestion levels of two of the main State Highways, US 29 (Columbia Pike) and MD 650 (New Hampshire Avenue) would significantly contribute to the inadequacy. While it is desirable for the TPAR Process to have a forecast of longer-term adequacy at this time it is not essential, as the purpose of the testing for roadway adequacy of this part of the Transportation Improvement Planning Stage is to sufficiently set the TPAR Payments by Policy Area. Thus it is recommended that in lieu of pursuing further Costing-Improvements at this time for this Policy Area, it is recommended that: (1) special enhanced efforts at Transportation Demand Management are being suggested as a Conditional Project, as discussed above in the discussion on Transit Costing, (2) urge the Executive and Council to advocate that further improvements to those State Roads be considered for inclusion in the next Joint Priority Letter to the Maryland DOT, and (3) special attention be given to this Policy Area in the next TPAR Report and in the monitoring activities, particularly with regards to through traffic from Howard County.

- **Gaithersburg Policy Area (GBG):** The long-term forecast for this Policy Area is one of inadequate road congestion although the 10-year forecast shows adequacy. The City of Gaithersburg does not have an APFO requirement but it does have independent development approval authority. The 30-Year illustrative list of potential conditional projects included several roadway improvements in addition to improved bus headways. While together they would result in somewhat less longer-term average congestion, it would not be enough improvement to maintain the current 10-year forecast of adequacy. Two options to consider for the next TPAR Report in lieu of testing further minor improvements would be: (1) a lowering by the City of their long-term development activity forecasts, and/or (2) considering the connection of Mid-County Highway between the Germantown East and the Gaithersburg Policy Areas.
- **Rockville Policy Area (RKV):** the long-term 30-Year forecast for this Policy Area has the roadway congestion not meeting the adequacy standards, although the 10-year forecast shows adequacy. Seeking a possible solution, such as the planned widening of Wootton Parkway between Falls Road and Darnestown Road was not pursued given the independent capital programming and APFO authority of the City of Rockville. A lowering by the City of their long-term development activity forecasts could also be considered.

Allocation of Road-Related 30-Year Costs to Policy Areas: Exhibits 5.11a and 5.11b for the Allocation of 30-Year Costs to Policy Areas are adapted from the Trend in Trip-Ends information presented above in Exhibit 3.13. To facilitate the transparency of the discussion of these and a preceding table, row numbers (down on the left) and column letters (across the top) associated with those of the underlying spreadsheets are given here too. In both of these Exhibits Column U gives the Trip-End Growth and shows the forecast of total growth in Trip-ends in the County over the approximate 30-Year future period. Column U is used in the final calculation in Column AR of the cost per Trip-End for each particular Policy Area. The following discusses the content of Exhibit 5.11a:

- Exhibit 5.11a shows the estimated total cost and its allocation to selected Policy Areas for six arterial Roadway Projects that are expected to be the administrative responsibility of MCDOT, although for one of them (Watkins Mill Road Bridge and Interchange at I-270) a negotiated agreement for intergovernmental cost sharing with the MDOT/SHA, the City of Gaithersburg, and the use of Federal Highway funding seems particularly appropriate.
- Project cost estimates for the first three of those Conditional Projects was provided by MCDOT while that for the other three was prepared by the Consultant team.
- For conditional projects that span more than one Policy Area the costs were respectively allocated to each Policy Area in proportion to the length of the project within each area.

- These two illustrative lists of projects given in Exhibits 5.11a and 5.11b come from the two right-most columns of Exhibits 5.5a and 5.5b, which are given above earlier in this Section. These are Conditional Projects that are not yet provided for in the County's CIP or Illustrative Projects that need to be given consideration for inclusion in the CTP of MDOT.
- Exhibit 5.11b shows the estimated total cost and its allocation to selected Policy Areas for 5 arterial Roadway Projects that are expected to be the administrative responsibility of MDOT/SHA.

1	C	D	E	O	U	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR		
	Trends in PM Peak Hour (5-6PM) Total Person Trip-Ends for All Trip Types (Motorized and Non-Motorized) by Policy Area are shown to the left of Column AD (updated 6-25-12)				2010 to 2040 Total Trip End Growth by Policy Area		Conditional Projects Anticipated for Implementation Primarily by the Montgomery County Department of Transportation															
							MCDOT Road Costs to Policy Area: Midco. Hwy Extension North to MD 27	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	MCDOT Road Costs to Policy Area: Midco. Hwy Extension South to MD 200	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	MCDOT Road Costs to Policy Area: Dorsey Mill Rd Bridge over I-270	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	MCDOT & MD/SHA Road Costs to Policy Area: Watkins Mill Rd Bridge & Interchng over I-270	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	MCDOT Road Costs to Policy Area: Midco. Hwy Widening; MVA Ave-Shady Grve	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	MCDOT Road Costs to Policy Area: Sam Eig Hwy; Fields Rd to Gt. Seneca Hwy.	Allocated TPAR-12 Road Cost by Road Length in Policy Area (1,000's)	Allocated TPAR-12 30-Year Costs by Policy Area (\$1,000's)	Allocated TPAR-12 30-Year Costs per Trip-End		
							Length, mi	Cost	Length, mi	Cost	Length, mi	Cost	Length, mi	Cost	Length, mi	Cost	Length, mi	Cost				
							3.00	\$131,538	0.94	\$33,490	0.86	\$24,253	1.00	\$40,000	3.06	\$48,960	0.55	\$6,600				
7	SSTP	26	Silver Spring/Takoma Park		12,459															\$0	\$0	
8	NB	18	North Bethesda		37,748																\$0	\$0
9	KW	16	Kensington/Wheaton		11,535																\$0	\$0
10	BCC	3	Bethesda/Chevy Chase		19,802																\$0	\$0
11	RKV	23	Rockville City		27,023																\$0	\$0
12	DER	7	Derwood		14,836			0.94	\$33,490						1.04	\$16,640				\$50,130	\$3,379	
13	RDV	22	R & D Village		20,392												0.55	\$6,600		\$6,600	\$324	
14	GBG	10	Gaithersburg City		37,568								1.00	\$40,000	1.35	\$21,600				\$61,600	\$1,640	
15	FWO	8	Fairland/White Oak		2,351															\$0	\$0	
16	GTW	13	Germantown West		17,098					0.56	\$12,676									\$12,676	\$741	
17	MVA	17	Montgomery Village/Airpark		1,004										0.67	\$10,720				\$10,720	\$10,679	
18	AH	1	Aspen Hill		455															\$0	\$0	
19	GTE	11	Germantown East		9,918		3.00	\$131,538			0.30	\$11,577								\$143,115	\$14,430	
20	CLV	5	Cloverly		133															\$0	\$0	
21	NP	19	North Potomac		2,255															\$0	\$0	
22	OLY	20	Olney		3,469															\$0	\$0	
23	POT	21	Potomac		4,186															\$0	\$0	
24	CLK	4	Clarksburg		26,413															\$0	\$0	
25	DAM	6	Damascus		2,306															\$0	\$0	
26	RurE	30	Rural East		3,990															\$0	\$0	
27	RurW	31	Rural West		1,029															\$0	\$0	
28	Total Trip Ends to/from Policy Areas				255,966		3.00	\$131,538	0.94	\$33,490	0.86	\$24,253	1.00	\$40,000	3.06	\$48,960	0.55	\$6,600		\$284,841		

Exhibit 5.11a: Costs and Policy Area Allocations of MCDOT Conditional Road Projects

1	C	D	E	O	U	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AQ	AR			
	Trends in PM Peak Hour (5-6PM) Total Person Trip-Ends for All Trip Types (Motorized and Non-Motorized) by Policy Area are shown to the left of Column AD (updated 6-25-12)				2010 to 2040 Total Trip End Growth by Policy Area		Illustrative Projects to be Implemented by the Maryland State Highway Administration -- For Information														
							MD/SHA Road Costs to Policy Area: MD 117 Widen: Longdraft to Waring Station Rd	Allocated TPAR-12 MD/SHA Road Cost by Road Length in Policy Area (1,000's)	MD/SHA Road Costs to Policy Area: US 29 Columbia PK; Fairland Interchng	Allocated TPAR-12 MD/SHA Road Cost by Road Length in Policy Area (1,000's)	MD/SHA Road Costs to Policy Area: MD 119 Widen Sam Eig Hwy to Mateny Rd	Allocated TPAR-12 MD/SHA Road Cost by Road Length in Policy Area (1,000's)	MD/SHA Road Costs to Policy Area: MD 28 Norbeck Rd; MD 97 to MD 182	Allocated TPAR-12 MD/SHA Road Cost by Road Length in Policy Area (1,000's)	MD/SHA Road Costs to Policy Area: MD 198 Spencer-ville. Rd; Burtonsville, to	Allocated TPAR-12 MD/SHA Road Cost by Road Length in Policy Area (1,000's)	Allocated TPAR-12 30-Year Costs by Policy Area (\$1,000's)	Allocated TPAR-12 30-Year Costs per Trip-End			
							Length, mi	Cost	Length, mi	Cost	Length, mi	Cost	Length, mi	Cost	Length, mi	Cost					
							1.04	\$8,520	1.00	\$40,000	4.58	\$32,800	2.56	\$18,720	1.17	\$7,020					
7	SSTP	26	Silver Spring/Takoma Park		12,459														\$0	\$0	
8	NB	18	North Bethesda		37,748															\$0	\$0
9	KW	16	Kensington/Wheaton		11,535															\$0	\$0
10	BCC	3	Bethesda/Chevy Chase		19,802															\$0	\$0
11	RKV	23	Rockville City		27,023															\$0	\$0
12	DER	7	Derwood		14,836															\$0	\$0
13	RDV	22	R & D Village		20,392															\$0	\$0
14	GBG	10	Gaithersburg City		37,568						2.58	\$18,477								\$18,477	\$492
15	FWO	8	Fairland/White Oak		2,351			1.00	\$40,000					1.17	\$7,020				\$47,020	\$20,002	
16	GTW	13	Germantown West		17,098		0.18	\$1,475			0.50	\$3,581							\$5,055	\$296	
17	MVA	17	Montgomery Village/Airpark		1,004															\$0	\$0
18	AH	1	Aspen Hill		455								2.56	\$18,720					\$18,720	\$41,165	
19	GTE	11	Germantown East		9,918															\$0	\$0
20	CLV	5	Cloverly		133															\$0	\$0
21	NP	19	North Potomac		2,255		0.86	\$7,045			1.50	\$10,742							\$17,788	\$7,887	
22	OLY	20	Olney		3,469															\$0	\$0
23	POT	21	Potomac		4,186															\$0	\$0
24	CLK	4	Clarksburg		26,413															\$0	\$0
25	DAM	6	Damascus		2,306															\$0	\$0
26	RurE	30	Rural East		3,990															\$0	\$0
27	RurW	31	Rural West		1,029															\$0	\$0
28	Total Trip Ends to/from Policy Areas				255,966		1.04	\$8,520	1.00	\$40,000	4.58	\$32,800	2.56	\$18,720	1.17	\$7,020			\$107,060		

Exhibit 5.11b: Costs and Policy Area Allocations of MDOT/SHA Illustrative Road Projects

- For these projects too, which span more than one Policy Area, the total cost is allocated among the Policy Areas in proportion to the length of the project within each area.
- It is recognized that the illustrative list of projects is focused on arterial roads and that MDOT/SHA would also be needing to include in future CTPs other more major transportation improvements, such as any further widening of I-270 or major transit-related projects such as the Corridor Cities Transitway or the Purple Line, as well as minor projects for other purposes.
- While these Conditional Roadway Projects would be of local significance being included in the TPAR, there are also seen as being of regional significance. For the latter, consideration needs to be given for implementation funding in accord with regional and statewide administrative practices and requirements so as to be successful for future State and Federal funding, including the most recent expectations for performance-based planning. TPAR is seen as being such a performance-based planning approach and as such would help to satisfy such requirements.

Proposed Public Private Cost Sharing, TPAR Payments, and Policy Recommendations: Exhibit 5.12 gives an illustrative example of alternative public - private cost sharing percentages to help visualize one of the main policy choices of the Board and Council. The Exhibit shows a progression of 11 stacked-bars with the left-most one being 100% private funding of future improvements needed to achieve TPAR adequacy standards to the right-most one of 100% public funding. Three of the in-between stacked-bars, shown in yellow and green, respectively illustrate lower, medium, or higher priority for a higher share of public funding. There is more of the a share for public funding reading from left-to-right in the Exhibit, and more of the funding being shared by the private sector reading from right-to-left.

For ease of future administration of TPAR it is better to think of these shares as being rounded, even percentages. However, there is a spectrum of choices for the Council to make and for the Board to subsequently administratively apply for the public-private share for any Policy Area. The proposed set by Policy Area of the share for private funding to be used in setting the TPAR Payments is given below in Exhibit 5.13 in Column AU. If the Council so chooses, each Policy Area could have its own unique public-private share percentage, although that is not a set that the Board is recommending.

Exhibit 5.13: is a summary of the proposed allocation of costs to Policy Areas for TPAR 2012 Payments, including the proposed public – private cost sharing and the 2012 TPAR Payment Rate per Trip-End per Policy Area. This Exhibit is the concluding one for TPAR and embodies the key policy choices of the Board and Council. First there is an explanation of its content and then there is discussion of the policy choices and implications.

Exhibit 5.13 presents a roll-up summary from three preceding Exhibits of: (1) the 10-Year Transit-related costs allocations from Exhibit 5.9 in Columns AM and AN, (2) the 30-Year Road-related cost allocations to be the responsibility of MCDOT from Exhibit 5.11a in Columns AO and AP, and then (3) the 30-Year Road-related cost allocations of MDOT/SHA from Exhibit 5.11b in Columns AQ and AR. The values in Column AS are the sum of Columns AM and AO. Similarly, the values in Column AT are the sum of those in Column AN and Column AP. It is recognized that there is a little of an “apples and oranges” aspect in Exhibit 5.13 of adding together for Column AT the 10-Year allocated costs of Column AN with the 30-Year Cost of Column AP, which is why Column AT is labeled as Allocated TPAR-12 Costs per Future Trip-End. As long as that continues to be consistently done in subsequent updates to TPAR equity among the Policy Area will continue to be maintained.

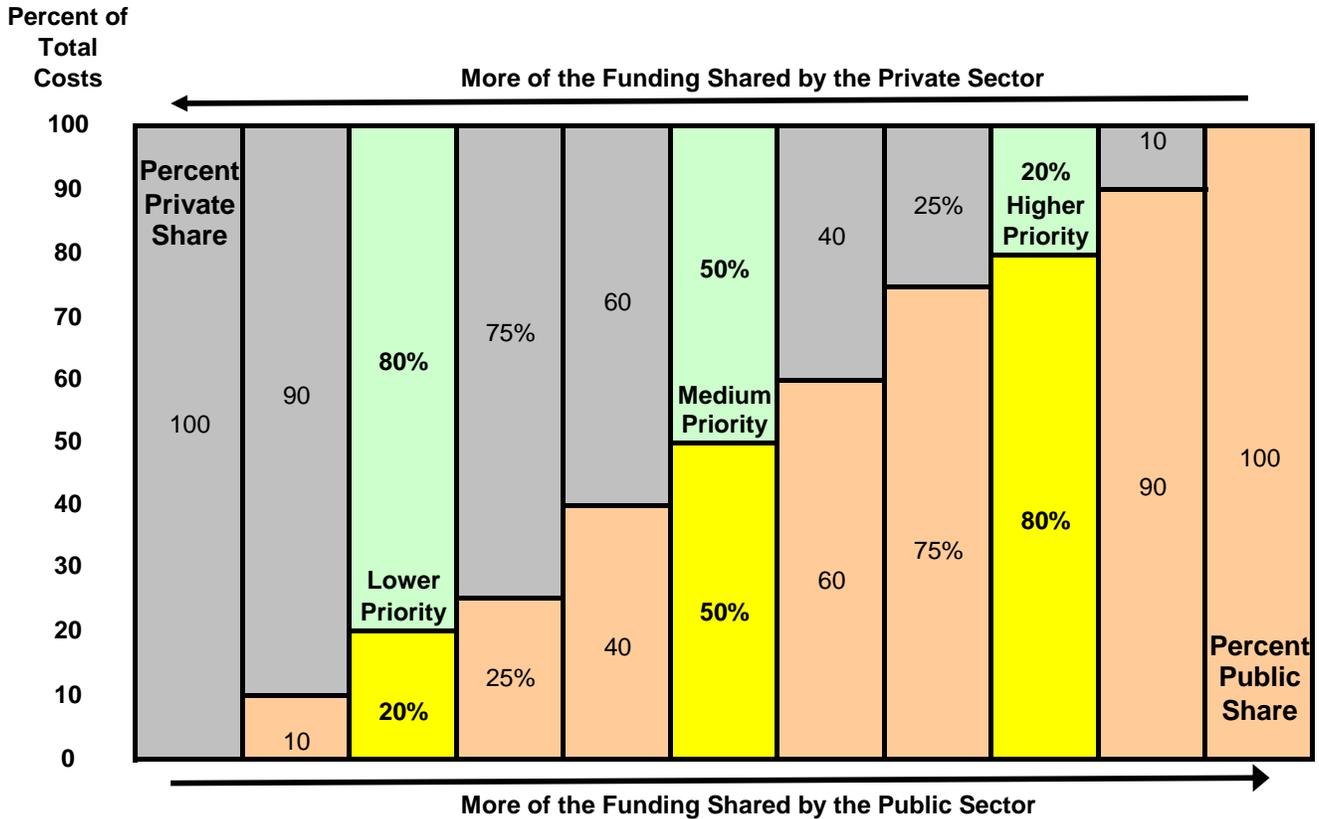


Exhibit 5.12: Example of Alternative Public - Private Cost Sharing Percentages

C	D	E	O	R	U	V	Y	AC	AD	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV
Trends in PM Peak Hour (5-6PM) Total Person Trip-Ends for All Trip Types (Motorized and Non-Motorized) by Policy Area are shown to the left of Column AD (updated 6-25-12)			2010 to 2022 Total Trip End Growth by Policy Area	2010 to 2040 Total Trip End Growth by Policy Area	2010 to 2022 Percent Growth of Total Trip Ends by Policy Area	2010 to 2040 Percent Growth of Total Trip Ends by Policy Area	2010 to 2022 Allocated Transit-Related Costs by Policy Area	Allocated TPAR-12 10-Year Transit Costs per Trip-End	MCDOT Allocated TPAR-12 30-Yr Road Costs by Policy Area (\$1,000's)	MCDOT Allocated TPAR-12 30-Year Costs per Trip-End	MD/SHA Allocated TPAR-12 30-Yr Costs by Policy Area (\$1,000's)	MD/SHA Allocated TPAR-12 30-Yr Road Costs per Trip-End	Total Allocated TPAR-12 Costs by Policy Area (\$1,000's)	Allocated TPAR-12 Costs per Future Trip-End	Cost Sharing Priority: Percent Private Costs (still to be changed)	2012 TPAR Payment Rate per Future Trip-End			
6	SSTF	26	Silver Spring/Takoma Park	7,708	12,459	6.8%	4.9%	\$702	\$91	\$0	\$0	\$0	\$0	\$0	\$702	\$91	50%	\$46	
7	NB	18	North Bethesda	16,646	37,748	14.7%	14.7%	\$4,848	\$291	\$0	\$0	\$0	\$0	\$0	\$4,848	\$291	50%	\$146	
8	KW	16	Kensington/Wheaton	6,366	11,535	5.6%	4.5%	\$3,115	\$489	\$0	\$0	\$0	\$0	\$3,115	\$489	50%	\$245		
9	BCC	3	Bethesda/Chevy Chase	12,912	19,802	11.4%	7.7%	\$2,488	\$193	\$0	\$0	\$0	\$0	\$2,488	\$193	50%	\$96		
10	RKV	23	Rockville City	14,425	27,023	12.7%	10.6%	\$4,503	\$312	\$0	\$0	\$0	\$0	\$4,503	\$312	50%	\$156		
11	DER	7	Derwood	5,276	14,836	4.7%	5.8%	\$5,580	\$1,058	\$50,130	\$3,379	\$0	\$0	\$55,710	\$4,437	50%	\$2,218		
12	RDV	22	R & D Village	5,892	20,392	5.2%	8.0%	\$3,157	\$536	\$6,600	\$324	\$0	\$0	\$9,757	\$859	50%	\$430		
13	GBG	10	Gaithersburg City	13,994	37,568	12.4%	14.7%	\$8,961	\$640	\$61,600	\$1,640	\$18,477	\$492	\$70,561	\$2,280	50%	\$1,140		
14	FWO	8	Fairland/White Oak	290	2,351	0.3%	0.9%	\$1,207	\$4,157	\$0	\$0	\$47,029	\$20,092	\$1,207	\$4,157	50%	\$2,078		
15	GTW	13	Germantown West	4,018	17,098	3.5%	6.7%	\$4,578	\$1,139	\$12,676	\$741	\$6,066	\$296	\$17,254	\$1,881	50%	\$940		
16	MVA	17	Montgomery Village/Airpark	292	1,004	0.3%	0.4%	\$1,215	\$4,160	\$10,720	\$10,679	\$0	\$0	\$11,935	\$14,839	50%	\$7,420		
17	AH	1	Aspen Hill	424	455	0.4%	0.2%	\$2,502	\$5,896	\$0	\$0	\$18,729	\$41,166	\$2,502	\$5,896	50%	\$2,948		
18	GTE	11	Germantown East	2,436	9,918	2.2%	3.9%	\$4,321	\$1,773	\$143,115	\$14,430	\$0	\$0	\$147,436	\$16,204	50%	\$8,102		
19	CLV	5	Cloverly	48	133	0.0%	0.1%	\$1,521	\$31,448	\$0	\$0	\$0	\$0	\$1,521	\$31,448	50%	\$15,724		
20	NP	19	North Potomac	365	2,255	0.3%	0.9%	\$3,245	\$8,884	\$0	\$0	\$17,798	\$7,887	\$3,245	\$8,884	50%	\$4,442		
21	OLY	20	Oiney	996	3,469	0.9%	1.4%	\$6,822	\$6,846	\$0	\$0	\$0	\$0	\$6,822	\$6,846	50%	\$3,423		
22	POT	21	Potomac	3,072	4,186	2.7%	1.6%	\$5,945	\$1,935	\$0	\$0	\$0	\$0	\$5,945	\$1,935	50%	\$968		
23	CLK	4	Clarksburg	14,865	26,413	13.1%	10.3%	\$4,658	\$313	\$0	\$0	\$0	\$0	\$4,658	\$313	50%	\$157		
24	DAM	6	Damascus	860	2,306	0.8%	0.9%	\$31	\$36	\$0	\$0	\$0	\$0	\$31	\$36	50%	\$18		
25	RurE	30	Rural East	1,823	3,990	1.6%	1.6%	\$1,001	\$549	\$0	\$0	\$0	\$0	\$1,001	\$549	50%	\$274		
26	RurW	31	Rural West	578	1,029	0.5%	0.4%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	50%	\$0		
27	Total Trip Ends to/from Policy Areas			113,289	255,966	100.0%	100.0%	\$70,400	\$284,841	\$107,060	\$355,241								

Exhibit 5.13: Proposed Allocation of Costs to Policy Areas for TPAR 2012 Payments Including Public – Private Cost Sharing and the 2012 TPAR Payment Rate per Trip-End per Policy Area

The two remaining Columns of AU and AV are covered in the discussion below of five key policy choices and recommendations.

- **Not Applying the Fourth Category of Policy Area of “Urban without Metrorail” at this Time:** The first two of the five key policy choices are contained in the Column sets for the 10-Year Transit-related cost allocations and the 30-Year Road-related cost allocations. The first of these two key policy choices relates to the consideration of applying the classification of Policy Area by transit availability to apply at this time the category of “Urban without Metrorail” to five Policy Areas in the I-270 Corridor, which is discussed earlier in Section V, Part 2. The cost implication of such a making that choice now is contained above in Exhibit 5.9 in Columns AG and AH. Those two columns in Exhibit 5.9 are shown in “gray font and strike-through” to indicate that the values shown for information there were not included in the 10-year Transit-related cost allocations by Policy Area, which also means that they are **not** part of the cost allocation roll-up in Exhibit 5.13. Inclusion of the likely Conditional Transit Project identified in Exhibit 5.9 would significantly increase the future cost per Trip-End in several of the Policy Areas.
- **Not Including MDOT/SHA Arterial Projects in the TPAR Cost Allocations to Policy Areas:** The second of these two key policy choices is directly shown in Exhibit 5.13 in Columns AQ and AR. Those two columns are also shown in “gray font and strike-through” to indicate that the values shown for information there were **not** included in the 30-year Road-related cost allocations by Policy Area, which also means that they are **not** part of the cost allocation roll-up of Columns AS and AT in Exhibit 5.13. Inclusion of such anticipated MDOT/SHA projects from the illustrative list of Conditional Projects would significantly increase the future cost per Trip-End in several of the Policy Areas. It should be noted that TPAR is envisioned as a tool that would provide funding in support of **County** transportation projects and inform the development of recommendations for the prioritization of **State** transportation projects. The funding focus of the process on County transportation projects stems from the fact that the County has no direct influence on the programming of State transportation projects. However, the costing analysis clearly identifies those State transportation projects which are required in order to achieve adequacy by the 30-year time horizon. This information is useful for the development of recommendations for the prioritization of such projects.
- **Proposal for Specific Public and Private Costs Sharing Percentages:** Column AU of Exhibit 5.13 presents the specific proposed cost-sharing percentages for the private sector development as a percent of the total allocation of Costs per Future Trip-End by Policy Area given in Column AT. These two recommendations satisfy the intent of Steps 26a and 26b given above in Exhibit 3.12 of Section II, Part 3. As noted in this discussion, those two Steps constitute the last ones needed for the review and approval actions of TPAR by the Council to be initiated. The following presents the recommendations contained in Column AU of Exhibit 5.13. As a starting point for discussion, a County-wide cost-sharing percentage of 50% for private sector development is assumed for all policy areas in the County. This percentage reflects an equal cost sharing allocation between the public and private sectors. However, alternative public-private cost sharing percentages may be implemented as described conceptually in Exhibit 5.12 above. These alternative percentages may be assigned Countywide or by policy areas in order to support County planning or policy objectives.

- **Setting of the TPAR Payments and Maximum and Minimum TPAR payments per Policy Area:** Column AV of Exhibit 5.13 presents the specific proposed Payment Rate per Future Trip-End for private sector development for each Policy Area. The number of Future Trip-Ends will be determined on a case-by-case basis as part of the administration of the Local Area Transportation Review procedures by the Board and will be consistent with those of the proposed subdivision being reviewed at that time. Under the prior Policy Area Mobility Review (PAMR) procedures there has been a Maximum Payment rate, and for TPAR, the continuation of that practice is recommended. Specifically, it is recommended that for TPAR 2012 that the **Maximum TPAR Payment Rate** per Future Trip-End be set at \$12,000. This maximum rate is consistent with the current per trip mitigation payment for PAMR.

It is further recommended that there also be a **Minimum TPAR Payment Rate** per Future Trip-End to be set at a value of 5 (five) percent of the Maximum Rate. Those rates would similarly be applied during the case-by-case review of a proposed subdivision in accord with the Local Area Transportation Review Procedures adopted by the Board. It is anticipated that such minimum rates might apply in about half of the Policy Areas. As a secondary policy recommendation, it is the intent that such private funds collected as a result of the Minimum Rates be applied first by the MCDOT in their subsequent actions to the provision of transit-related transportation services, including those associated with the Commuter Services Program as well as the pedestrian and bicycling programs.

The values shown in Column AV for each Policy Area are the values for the rates that would otherwise apply if there were not to be a Maximum of a Minimum rate set by policy action by the Council.

- **Relationship of TPAR Payments to the Current Development Impact Fees:** Currently there is a Development Impact Fee tax that is collected at the time of building permit for the main purposes of transportation project funding. It is recommended that the Council take an independent action to eliminate this Impact Fee tax and instead to rely on the Minimum TPAR Payment Rates identified above as a substitute funding sources for transportation circulation, access, and mobility needs that derive from new development.

Resolution No: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the request of the Planning Board

SUBJECT: ~~2009~~2012-2011-2016 ~~Growth~~ Subdivision Staging Policy

Background

1. County Code §33A-15 requires that no later than November 15 of ~~each odd-numbered year~~the second year of each Council's term, the County Council must adopt a ~~Growth~~Subdivision Staging Policy to be effective until November 15 of the second year of the next ~~odd-numbered year~~Council term, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. On August 1, ~~2009~~2012, in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations on the ~~2009~~2012-2011-2016 ~~Growth~~Subdivision Staging Policy. The Final Draft ~~Growth~~Subdivision Staging Policy, as submitted by the Planning Board, contained supporting and explanatory materials.
3. On September ~~22~~ , ~~2009~~2012, the County Council held a public hearing on the ~~Growth~~Subdivision Staging Policy.
4. On ~~October 6, 19, and 20,~~ ~~2009~~2012, the Council's Planning, Housing, and Economic Development Committee conducted worksessions on the recommended ~~Growth~~Subdivision Staging Policy.
5. On ~~October 27 and November 3~~ , ~~2009~~2012, the Council conducted worksessions on the ~~Growth~~Subdivision Staging Policy, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

Action

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

The ~~Growth~~Subdivision Staging Policy is approved as follows:

Applicability; transition

AP1 Effective dates

This resolution takes effect on January 1, ~~2010~~2013, and applies to any application for a preliminary plan of subdivision filed on or after that date, except that Section S (Public School Facilities) takes effect on November 15, ~~2009~~2012.

~~AP2~~ ~~Clarksburg effective dates~~

~~This resolution does not apply to any amendment or extension of a preliminary plan of subdivision in the Clarksburg policy area that was approved before this resolution took effect if the amendment or extension does not increase the amount of housing units or non residential development previously approved.~~

Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Section 50-35(k) ("the Adequate Public Facilities Ordinance or APFO") directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones adopted by the County Council.

The Council accepts the definitions of terms and the assignment of values to key measurement variables that were used by the Planning Board and its staff in developing the recommended ~~Growth~~Subdivision Staging Policy. The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

The findings and directives described in this ~~Growth-Subdivision Staging~~ Policy are based primarily on the public facilities in the ~~amended-approved~~ FY ~~2009-14~~2013-18 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY ~~2009-14~~2012-17 Consolidated Transportation Program (CTP). The Council also reviewed related County and State funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These findings and directives and their supporting planning and measurement process have been the subject of a public hearing and review during worksessions by the County Council. Approval of the findings and directives reflects a

legislative judgment that, all things considered, these findings and procedures constitute a reasonable, appropriate, and desirable set of growth limits, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. These growth limits will substantially advance County land use objectives by providing for coordinated and orderly development.

These guidelines are ~~not~~ intended to be used as a means for government to ~~avoid~~-fulfill its responsibility to provide adequate public facilities. ~~Biennial~~Quadrennial review and oversight, combined with continuous monitoring by the Planning Board, allows the Council to identify problems and initiate solutions that will serve to avoid or limit the duration of any moratorium on new subdivision approvals in a specific policy area. Further, alternatives may be available for developers who wish to proceed in advance of the adopted public facilities program, through the provision of additional public facility capacity beyond that contained in the approved Capital Improvements Program, or through other measures that accomplish an equivalent effect.

The administration of the Adequate Public Facilities Ordinance must at all times be consistent with adopted master plans and sector plans. Where development staging guidelines in adopted master plans or sector plans are more restrictive than GrowthSubdivision Staging Policy guidelines, the guidelines in the adopted master plan or sector plan must be used to the extent that they are more restrictive. The GrowthSubdivision Staging Policy does not require the Planning Board to base its analysis and recommendations for any new or revised master or sector plan on the public facility adequacy standards in this resolution.

Guidelines for Transportation Facilities

TP Policy Areas

TP1 Policy Area Boundaries and Definitions

For the purposes of transportation analysis, the County has been divided into 376 areas called traffic zones. Based upon their transportation characteristics, these areas are grouped into transportation policy areas, as shown on Map 1. In many cases, transportation policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas. The policy areas in effect for ~~2009~~2011-2014~~2016~~ are: Aspen Hill, Bethesda CBD, Bethesda-Chevy Chase, Clarksburg, Cloverly, Damascus, Derwood, Fairland/White Oak, Friendship Heights, Gaithersburg City, Germantown East, Germantown Town Center, Germantown West, Glenmont, Grosvenor, Kensington/Wheaton, Montgomery Village/Airpark, North Bethesda, North Potomac, Olney, Potomac, R&D Village, Rockville City, Rockville Town Center, Rural East, Rural West, Shady Grove, Silver Spring CBD, Silver Spring/Takoma Park, Twinbrook, Wheaton CBD, and White Flint. The following are Metro Station Policy Areas: Bethesda CBD, Friendship Heights, Glenmont, Grosvenor, Rockville Town Center, Shady Grove, Silver Spring CBD, Twinbrook, Wheaton CBD, and White Flint. Boundaries of the policy areas are shown on maps 2-33.

The boundaries of the Gaithersburg City and Rockville City policy areas reflect existing municipal boundaries, except where County-regulated land is surrounded by city-regulated land. The boundaries

of these municipal policy areas do not automatically reflect any change in municipal boundaries; any change in a policy area boundary requires affirmative Council action.

TP2 Transportation Policy Area ~~Mobility~~ Review

TP2.1 Components of ~~Tranportaion~~Transportation Policy Area ~~Mobility~~ Review

There are two components to Transportation Policy Area ~~Mobility~~ Review: ~~Relative Arterial Mobility~~Roadway Adequacy and ~~Relative Transit Mobility~~Transit Adequacy for each policy area.

TP2.1.1 ~~Relative Arterial Mobility~~Roadway Adequacy

~~Relative Arterial Mobility~~Roadway adequacy is a measure of congestion on the County’s arterial roadway network. It is based on the *urban street delay level of service* in the 2000-2010 Highway Capacity Manual, published by the Transportation Research Board. This concept measures congestion by comparing modeled (congested) speeds to free-flow speeds on arterial roadways. It then assigns letter grades to the various levels of roadway congestion, with letter A assigned to the best levels of service and letter F assigned to the worst levels of service. For a trip along an urban street that has a free-flow speed (generally akin to posted speed) of 40 MPH, LOS A conditions exist when the actual travel speed is at least 34 MPH, including delays experienced at traffic signals. At the other end of the spectrum, LOS F conditions exist when the actual travel speed is below 10 MPH.

~~Relative Arterial Mobility~~Roadway Travel Speed and Arterial LOS

<i>If the actual urban street travel speed is</i>	<i>PAMR-TPAR Arterial LOS is</i>
At least 85% of the free-flow speed	A
At least 70% of the highway speed	B
At least 55 <u>50</u> % of the highway speed	C
At least 40% of the highway speed	D
At least 25 <u>30</u> % of the highway speed	E
Less than 25 <u>30</u> % of the highway speed	F

The following are the standards established to assess the level of roadway adequacy for the purposes of the Transportation Policy Area Review:

Standards of Acceptable Roadway Average Level of Service

Proposed Roadway (Arterial) Level of Service Standards	
Policy Area Categories	Acceptable Weighted Arterial Level of Service
Urban	Average congestion of "D/E" borderline in the peak directions
Suburban	Average congestion of Mid-"D" or less in the peak directions
Rural	Average congestion of "C/D" borderline in the peak directions

~~Any policy area with an actual urban street travel speed equal to or less than 40 percent of the highway speed must be considered acceptable with full mitigation for transportation.~~

The PAMRTPAR evaluates conditions only on the arterial roadway network. Freeway level of service is not directly measured because County development contributes a relatively modest proportion of freeway travel, and because the County has limited influence over the design and operations of the freeway system. However, because arterial travel is a substitute for some freeway travel, PAMR-TPAR indirectly measures freeway congestion to the extent that travelers choose local roadways over congested freeways.

TP2.1.2 Relative Transit Mobility Adequacy

~~Relative transit mobility is based on the Transit/Auto Travel Time level of service concept in the 2003 *Transit Capacity and Quality of Service Manual* published by the Transportation Research Board. It is defined as the relative speed by which journey to work trips can be made by transit, as opposed to by auto. This concept assigns letter grades to various levels of transit service, so that LOS A conditions exist for transit when a trip can be made more quickly by transit (including walk access/drive access and wait times) than by single-occupant auto. This LOS A condition exists in the Washington region for certain rail transit trips with short walk times at both ends of the trip and some bus trips in HOV corridors. LOS F conditions exist when a trip takes more than an hour longer to make by transit than by single-occupant auto.~~

~~This ratio between auto and transit travel times can also be expressed in an inverse relationship, defined by modal speed. If a trip can be made in less time by transit than by auto, the effective transit speed is greater than the effective auto speed. Based on the typical roadway network speed during the AM peak period, the Planning Board established the following relationship between auto and transit trips:~~

Relative Transit Mobility and Transit LOS

<i>If the effective transit speed is</i>	<i>PAMR Transit LOS is</i>
100% or more (e.g., faster) than the highway speed	A
At least 75% of the highway speed	B
At least 60% of the highway speed	C
At least 50% of the highway speed	D
At least 42.5% of the highway speed	E
Less than 42.5% of the highway speed	F

~~Any policy area with an effective transit speed equal to or less than 42.5 percent of the highway speed must be considered acceptable with full mitigation for transportation.~~

Transit Adequacy is determined by comparing bus route coverage, scheduled headways and actual hours of operation (span) based on 2012 data to established standards as illustrated in the table below. Policy areas with one or more of these service characteristics shown in yellow highlight are considered inadequate for transit service. *Note: This table will have to be re-formatted in black and white for Council consideration.*

Transit Adequacy Analysis Results TPAR 2012 (4-5-12)				
	Number of Bus Routes	Coverage (Percent of area within 1 mi. rail; 1/3 mi. of bus)	Peak Headway by Bus in PM Peak Hour (min.)	Span: Duration of Weekday Bus Service (hours)
"Urban" Policy Areas served by Metrorail				
Silver Spring/Takoma Park	35	96%	18.2	18.9
North Bethesda	15	87%	21.3	17.7
Kensington/Wheaton	29	82%	20.7	18.5
Bethesda/Chevy Chase	17	81%	20.4	17.4
Rockville City	16	80%	21.2	17.8
Derwood	7	70%	21.1	18.8
Inadequate versus the Standards shown	XX.X	more than 80%	less than 14.0 ##	more than 17.0
## = 20.0 with Metrorail				
"Suburban" Policy Areas				
R&D Village	5	76%	25.8	15.8
Gaithersburg City	10	75%	20.0	17.6
Fairland/White Oak	14	48%	19.1	18.8
Germantown West	9	48%	21.8	18.6
Montgomery Village/Airpark	9	47%	19.4	18.0
Aspen Hill	11	44%	19.9	19.3
Germantown East	5	39%	21.4	17.8
Cloverly	2	30%	26.5	8.0 *
North Potomac	7	29%	24.3	17.0
Olney	5	26%	25.0	22.3
Potomac	10	23%	21.1	16.4
Clarksburg	2	16%	30.0	14.1
Inadequate versus the Standards shown	XX.X	more than 30%	less than 20.0	more than 14.0
"Rural" Policy Areas				
Rural West	1	8%	30.0	6.3 *
Damascus	1	7%	20.0	15.7
Rural East	1	7%	20.0	15.7
Inadequate versus the Standards shown	XX.X	more than 5%	less than 30.0	more than 4.0
* Span includes Peak Period Routes because of absence of All Day Routes				

~~TP2.1.3 — Relationship Between Relative Arterial Mobility and Relative Transit Mobility~~

~~The PAMR Arterial LOS and the PAMR Transit LOS standards are inversely related, reflecting the County's long-standing policy to encourage concentrations of development near high-quality transit. To~~

~~accomplish this policy, greater levels of roadway congestion should be tolerated in areas where high-quality transit options are available. The PAMR uses the following equivalency:~~

~~Equivalency Between Transit LOS and Arterial LOS~~

<i>If the forecasted PAMR Transit LOS is</i>	<i>The minimum acceptable PAMR Arterial LOS standard is</i>
A	D
B	D
C	D
D	C
E	B
F	A

~~This chart reflects a policy decision that the PAMR Arterial LOS standard should not fall below LOS D, even when the PAMR Transit LOS standard is A.~~

TP2.2 Conducting Transportation Policy Area ~~Mobility~~ Review

TP2.2.1 Geographic Areas

In conducting Transportation Policy Area ~~Mobility~~ Reviews, each Metro station policy area is included in its larger parent policy area, so that:

- the Bethesda CBD, Friendship Heights, and Bethesda-Chevy Chase policy areas are treated as a single policy area;
- the Grosvenor, White Flint, Twinbrook, and North Bethesda policy areas are treated as a single policy area;
- the Rockville Town Center and Rockville City policy areas are treated as a single policy area;
- the Shady Grove and Derwood policy areas are treated as a single policy area;
- the Silver Spring CBD and Silver Spring-Takoma Park policy areas are treated as a single policy area; and
- the Wheaton CBD, Glenmont, and Kensington-Wheaton policy areas are treated as a single policy area.

The Rural East policy area consists of all area east of I-270 that is not located in another policy area. The Rural West policy area consists of all area west of I-270 that is not located in another policy area.

Any proposed development located in the White Flint Metro Station Policy Area is exempt from Transportation Policy Area ~~Mobility~~ Review if that development, as a condition of approval of a preliminary plan of subdivision, will be required to provide substantial funds to a new development district, new impact tax or special taxing district, or another comprehensive financing mechanism, to finance transportation improvements for that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Transportation

Policy Area ~~Mobility~~—Review calculation for any development that is not exempt under this paragraph.

TP2.2.2 Determination of Adequacy

Using a transportation planning model, the Planning staff has computed the relationship between a programmed set of transportation facilities and the ~~geographic pattern of existing and approved jobs and housing units~~forecast growth in households and employment, using the Cooperative Regional Forecast. The traffic model tests this ~~future land use pattern~~forecast growth for its traffic impact, comparing the resulting traffic volume and distribution to the ~~arterial roadway~~ level of service standard for each policy area. ~~Policy areas that do not achieve the level of service standards above are considered inadequate for roadways. This information is combined with the results of the Transit adequacy analysis to determine the policy areas that are considered inadequate.~~

~~In those policy areas where the transit and roadway adequacy standards are both met, a minimum TPAR payment must be levied. This minimum TPAR payment will help finance transit improvements for adjacent Policy Areas where such improvements are required and where the improved bus route provides continuity of service to the area with the minimum TPAR payment. Similarly, the minimum payment could be used to supplement roadway improvements in an adjacent area, where connectivity may provide additional network benefits, or pedestrian or bicycle accommodation in the affected policy area. Note: Need to add minimum payment amount or percentage once it has been determined by County Council.~~

~~This analysis results in a finding of acceptable with full mitigation for a policy area if:~~

- ~~(a) the level of service on local roads in the policy area is expected to exceed the arterial level of service standard, or~~
- ~~(b) the magnitude of the hypothetical future land use patterns in that policy area will cause the level of service on local roads in any other policy area to exceed the arterial level of service standard for that policy area.~~

~~If this annual analysis results in a finding of acceptable with full mitigation for a policy area for a fiscal year, the Planning Board must not approve any more subdivisions in that policy area in that fiscal year, except as provided below. For FY2010FY2012 and FY2013, the Planning Board must consider the North Bethesda, Kensington/Wheaton, Bethesda/Chevy Chase, Rockville City, Derwood, R&D Village, Fairland/White Oak, Germantown East, Germantown West, Montgomery Village/Airpark, Gaithersburg City, Cloverly, Olney, Potomac, Clarksburg and North Potomac Policy Areas to be ~~acceptable with full mitigation for transportation~~inadequate for transportation.~~

~~During 2009-11, “full mitigation” must be defined as mitigating 50% of the trips created by the proposed development.~~

~~When this annual analysis results in a finding of acceptable with partial mitigation for a policy area for a fiscal year, the Planning Board must not approve any more subdivisions in that policy area in that fiscal year except under certain special circumstances outlined below. For [FY2008] FY2010, the Planning Board must consider the following policy areas to be acceptable with partial mitigation for transportation at the policy area level:~~

Policy Area	Trip Mitigation Required
Aspen Hill	20%
Bethesda/Chevy Chase	30%
Clarksburg	10%
Derwood	20%
Fairland/White Oak	50%
Gaithersburg City	50%
Germantown East	50%
Kensington/Wheaton	10%
Montgomery Village/Airpark	5%
North Bethesda	35%
North Potomac	50%
Olney	10%
Potomac	40%
Rockville City	25%
R&D Village	40%
Silver Spring/Takoma Park	10%

An applicant for a preliminary plan of subdivision need not take any action under **TP Transportation** Policy Area **Mobility** Review if the proposed development will generate 3 or fewer peak-hour trips.

The Planning Board may adopt **Transportation** Policy Area **Mobility** Review guidelines and other technical materials to further specify standards and procedures for its adoption of findings of policy area adequacy or inadequacy or of acceptable with full or partial mitigation.

The transportation planning model considers all ~~existing and approved~~ forecast development and all eligible programmed transportation CIP projects. For these purposes, "~~forecast approved~~ development" includes all ~~approved preliminary plans of subdivision and is also known as the "pipeline of approved development~~ households and employment forecast by the Cooperative Regional Forecast." "Eligible programmed transportation CIP projects" include all County CIP, State Transportation Program, and City of Rockville or Gaithersburg projects for which 100 percent of the expenditures for construction are estimated to occur in the first 6-10 years of the applicable program.

Because of the unique nature of the Purple Line, the Corridor Cities Transitway, and the North Bethesda Transitway compared to other transportation systems which are normally used in calculating development capacity, it is prudent to approach the additional capacity from these systems conservatively, particularly with respect to the timing of capacity and the amount of the capacity recognized. Therefore, the capacity from any operable segment of any of these transit systems must not be counted until that segment is fully funded in the first 6-10 years of the County or State capital improvements program.

To discourage sprawl development, no capacity for new development may be counted outside the boundary of the Town of Brookeville as of March 9, 1999, as a result of relocating MD 97 around Brookeville.

~~Planning staff must keep a record of all previously approved preliminary plans and other data about the status of development projects, and must continuously update the pipeline number of approved preliminary plans. The updated pipeline must be the basis for the annual PAMR.~~

TP3 Mitigation for Applications in Policy Areas with ~~Inadequate PAMR~~Roadway and/or Transit Inadequacies

The Planning Board, after considering any recommendation of the County Executive, may approve a preliminary plan application in a policy area found by Transportation Policy Area ~~Mobility~~ Review to be ~~acceptable adequate for transit and roadways with full mitigation or acceptable with partial mitigation if all the required trips are offset by mitigation~~, as provided in this section. ~~If only a portion of the required trips are offset, acceptable mitigation for some trips may be combined with payment for the remaining trips.~~In approving plans in acceptable with full mitigation policy areas, the Board should ensure that the average level of service for the relevant policy area is not adversely affected. Except as otherwise expressly stated in TP4, the same level of service criteria must be used in evaluating an application under this section.

The following options to mitigate the traffic impacts of development approved in a preliminary plan may be used, individually or in combination:

- *Trip Mitigation.* An applicant may sign a binding Trip Mitigation Agreement under which up to 50 % of the projected peak hour vehicle trips would be removed from the roadway by using Transportation Demand Management techniques to reduce trips generated by the applicant's development or by other sites, so that an applicant could still generate a certain number of trips if the mitigation program removes half that number of trips from other sites in the same policy area.
- ~~•~~ *Trip Reduction by Providing Non-Auto Facilities.* An applicant may mitigate a limited number of trips by providing non-auto facilities that would make alternative modes of transit, walking, and bicycling safer and more attractive. The Planning Board must specify in its *LATR Guidelines* the allowable actions and number of trips associated with them, as well as the maximum number of trip credits allowable for each action, which will partly depend on the congestion standards for the policy area where the proposed development is located. For any preliminary plan approved in or after ~~FY2010~~FY2012, the Planning Board may accept construction of Non-Auto Facilities at a value of \$11,000 for each new peak hour vehicle trip for construction and right-of-way costs. Note: amount to be determined.
- *Adding Roadway Capacity.* An applicant may mitigate trips by building link-based roadway network capacity. The conversion rate between vehicle trips and lane miles of roadway is shown in Table 2. The values in that table are derived from regional estimates of vehicle trip length by trip purposes and uniform per-lane capacities for roadway functional classes that should be applied countywide. Several conditions apply:
 - The number of lane miles in Table 2 reflects total capacity provided, so that if an applicant widens a roadway by one lane in each direction, the total minimum project length would be half the length listed in the table.
 - The roadway construction or widening must have logical termini, for instance connecting two intersections.

- The roadway construction must occur in the same Policy Area as the proposed development.
- The roadway construction must be recommended in a master plan.
- *Adding Transit Capacity.* An applicant may mitigate inadequate ~~PAMR-TPAR~~ conditions by buying 40-foot long hybrid electric fleet vehicles for the Ride-On system, and guaranteeing 12 years of operations funding, at the rate of 30 peak hour vehicle-trips per fleet vehicle. To qualify as mitigation under this provision, a bus must add to the Ride-On fleet and not replace a bus taken out of service.
- *Payment instead of construction.* The Planning Board may accept payment to the County of a fee commensurate with the cost of a required improvement if the applicant has made a good faith effort to implement an acceptable improvement and the Board finds that a desirable improvement cannot feasibly be implemented by the applicant, but the same improvement or an acceptable alternative can be implemented by a public agency within 4 years after the subdivision is approved. The Planning Board may accept a payment to the County instead of identification or construction of any specific improvement for any preliminary plan application that requires ~~PAMR-TPAR~~ mitigation of fewer than 30 peak hour vehicle trips. In or after ~~FY2010~~FY2012, the payment must not be less than \$11,000 per new peak hour vehicle trip. Unless County law requires otherwise, the Board must index the minimum payment according to construction costs in each later fiscal year. *Note: This section must be amended after the cost allocation procedure and per trip cost has been determined by County Council.*

In general, each mitigation measure or combination of measures must be scheduled for completion or otherwise be operational at the same time or before the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Board approves a record plat. The application must also be approved under TL Local Area Transportation Review. An applicant who is required to make an intersection improvement to satisfy TL Local Area Transportation Review may apply the capital cost of that improvement toward any mitigation obligation under this section.

Both the subdivision plan and all necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement. For the Planning Board to accept a roadway capacity improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe, comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

TP3.1 Special Mitigation Standards

An applicant for a preliminary plan of subdivision located entirely in a Metro Station Policy Area or the Germantown Town Center Policy Area, or entirely in Kensington, White Oak, Rock Spring Park, or the North Bethesda Road Code Urban Area (as shown in maps 34-37), may satisfy the applicant's ~~trip~~

~~mitigation requirements payment~~ under **TP Transportation Policy Area Mobility Review** if the proposed development would meet all of the following conditions:

- At least 50 percent of the floor area must be used for residences.
- The development must use at least 75 percent of the achievable on-site density allowed under Chapter 59, subject to any lower limit imposed in a Master or Sector Plan and applied under Chapter 59.
- The development must achieve a minimum energy cost savings percentage, using applicable LEED standards, of 17.5% for new construction and 10.5% for renovation, or offset at least 2.5% of its annual building energy costs on site, using applicable LEED standards.

If these requirements are met, the applicant must pay 75% of the ~~trip mitigation~~**TPAR** payment otherwise required under **TP3** to the County Department of Transportation, which must use at least 2/3 of the funds received under this paragraph for any transit system which serves the policy area where the development is located and must use the remaining 1/3 of the funds for any transportation purpose, including any transit system which serves the policy area where the development is located. As used in this paragraph, “transit system” means the transit systems of the Washington Metropolitan Area Transit Authority, Ride On, and the Maryland Transit Administration, and includes any infrastructure project that supports or improves the quality of transit, such as a park and ride lot served by transit, a passenger information system, a queue jumper, or traffic signalization which improves transit efficiency.

TP4 Development District Participation

Under Chapter 14 of the County Code, the County Council may create development districts as a funding mechanism for needed infrastructure in areas of the County where substantial development is expected or encouraged. The Planning Board may approve subdivision plans in accordance with the terms of the development district's provisional adequate public facilities approval (PAPF).

TP4.1 Preparation of a PAPF

The development district's PAPF must be prepared in the following manner:

One or more property owners in the proposed district may submit to the Planning Board an application for provisional adequate public facilities approval for the entire district. In addition to explaining how each development located in the district will comply with all applicable zoning and subdivision requirements, this application must:

- show the number and type of housing units and square footage and type of the non-residential space to be developed, as well as a schedule of proposed buildout in five-year increments;
- identify any infrastructure improvements necessary to satisfy the adequate public facilities requirements for development districts; and
- estimate the cost to provide these improvements.

TP4.2 Planning Board Review

The Planning Board must then review all developments within the proposed development district as if they are a single development for compliance with the Adequate Public Facilities Ordinance. The

Planning Board must identify the public facilities needed to support the buildout of the development district after considering the results of the following tests for facility adequacy:

- Transportation tests for development districts are identical to those for Local Area Transportation Review. Planning Department staff must prepare a list of transportation infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to Montgomery County Public Schools staff for recommendations for each stage of development in the proposed district. MCPS staff must calculate the extent to which the development district will add to MCPS's current enrollment projections. MCPS staff must apply the existing school adequacy test to the projections with the additional enrollment and prepare a list of public school infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to the Washington Suburban Sanitary Commission for recommendations for each stage of development in the proposed district. Wastewater conveyance and water transmission facilities must be considered adequate if existing or programmed (fully-funded within the first 5 years of the approved WSSC capital improvements program) facilities can accommodate (as defined by WSSC) all existing authorizations plus the growth in the development district. Adequacy of water and wastewater treatment facilities must be evaluated using the intermediate or "most probable" forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. If a test is not met, WSSC must prepare a list of water and sewer system infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to the County Executive for recommendations for each stage of development in the proposed district regarding police, fire, and health facilities. Adequacy of police, fire, and health facilities must be evaluated using the intermediate or most probable forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. Any facility capacity that remains is available to be used by the development district. If any facility capacity deficits exist, the County Executive must prepare a list of infrastructure needed to maintain public facility adequacy.

TP4.3 Planning Board Approval

The Board may conditionally approve the PAPF application if it will meet all of the requirements of the APFO and Growth Subdivision Staging Policy. The Board may condition its approval on, among other things, the creation and funding of the district and the building of no more than the maximum number of housing units and the maximum nonresidential space listed in the petition.

For an application to be approved, the applicants must commit to produce the infrastructure improvements needed to meet APF requirements in the proposed district as well as any added requirements specified by the Planning Board. The Planning Board must list these required infrastructure improvements in its approval. The infrastructure improvements may be funded through

the development district or otherwise. The development district's PAPF must be prepared in the following manner:

The Planning Board must not approve a PAPF application unless public facilities adequacy is maintained throughout the life of the plan. The timing of infrastructure delivery may be accomplished by withholding the release of building permits until needed public facilities are available to be "counted," or by another similar mechanism.

Infrastructure may be counted for public facilities adequacy, for infrastructure provided by the district, when construction has begun on the facility and funds have been identified and committed to its completion, and, for infrastructure provided by the public sector, when:

- for Local Area Transportation Review, the project is fully-funded within the first 6 years of the approved County, state, or municipal capital improvements program;
- for water and sewer facilities, the project is fully-funded within the first 5 years of the approved WSSC capital improvements program;
- for public school facilities, the project is fully-funded within the first 5 years of the approved Montgomery County Public Schools capital improvements program; and
- for police, fire, and health facilities, the project is fully-funded within the first 6 years of the relevant approved capital improvements program.

TP4.4 Additional Facilities Recommended for Funding

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

TP4.5 Satisfaction of APF Requirements

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the [Growth Subdivision Staging](#) Policy, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

TL Local Area Transportation Review (LATR)

TL1 Standards and Procedures

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 1 shows the intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master and sector plans.

Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips. For any subdivision that would generate 30-49 peak-hour automobile trips, the Planning Board after receiving a traffic study must require that either:

- all LATR requirements are met; or
- the applicant must make an additional payment to the County equal to 50% of the applicable transportation impact tax before it receives any building permit in the subdivision.

In administering Local Area Transportation Review, the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after considering existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if the applicant agrees to mitigate either:

- a sufficient number of trips to bring the intersection or link to acceptable levels of congestion, or
- a number of trips equal to 150 percent of the CLV impact attributable to the development.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after considering all approved development and programmed transportation projects.

If use and occupancy permits for at least 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study must be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, LATR is not required for any expansion that generates 5 or fewer additional peak hour trips.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 4 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Any traffic study required for Local Area Transportation Review must be submitted by a registered Professional Engineer, certified Professional Traffic Operations Engineer, or certified Professional Transportation Planner.

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Maximum Peak-Hour Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 – 749	2
750 – 1,249	3
1,250 – 1,750	4
1,750-2,249	5
2,250 – 2749	6
>2,750	7

At the Planning Board’s discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements, or a combination of both, as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or may be amended as the Planning Board finds necessary.

After consulting the Council, the Planning Board may adopt administrative guidelines that allow use of a "delay" or queuing analysis, different critical lane volume standards, or other methodologies, to determine the level of congestion in any area the Planning Board finds appropriate.

In administering Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with County Code §50-25. To support creating facilities that encourage transit use, walking, and bicycling, to maintain an approximately equivalent level of service at the local level for both auto and non-auto modes, the Board may allow the applicant to use peak hour vehicle trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts, the Board should first consider the applicability and desirability of traffic mitigation agreement measures. The Board’s *LATR Guidelines* must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trips that can be credited. If the Board approves any credits, it must specify mechanisms to monitor the construction of any required facility. During each ~~biennial~~quadrennial ~~Growth~~Subdivision Staging Policy the Board must report on the number of credits issued and confirm the construction of any required facility.

In general, any mitigation measure or combination of mitigation measures must be scheduled for completion or otherwise operational either before or at the same time as the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must

receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Planning Board approves a record plat.

Both the subdivision plan and the necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement. For the Planning Board to accept a intersection improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe, comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

TL2 Metro Station Policy Area LATR Standards

In each Metro Station Policy Area, the Planning Board, in consultation with the Department of Transportation, must prepare performance evaluation criteria for its Local Area Transportation Review. These criteria must be used to accomplish: (a) safety for pedestrians and vehicles; (b) access to buildings and sites; and (c) traffic flow within the vicinity, at levels which are tolerable in an urban situation. The County Executive also must publish a Silver Spring Traffic Management Program after receiving public comment and a recommendation from the Planning Board. This program must list those actions to be taken by government to maintain traffic flow at tolerable levels in the Silver Spring CBD and protect the surrounding residential area.

Any proposed development located in the White Flint Metro Station Policy Area is exempt from Local Area Transportation Review if the development will be required to provide substantial funds to a new development district or a new impact tax district to finance master-planned public improvements in that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Local Area Transportation Review calculation for any development elsewhere.

TL3 Potomac LATR Standards

In the Potomac Policy Area, only the areas contributing traffic to the following intersections must be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f) Westlake Drive at Tuckerman Lane; (g) Bradley Boulevard at Seven Locks Road; (h) River Road at Bradley Boulevard; (i) River Road at Piney Meetinghouse Road; (j) River Road at Falls Road, (k) Falls Road at Democracy Boulevard and (j) River Road at Seven Locks Road.

TL4 Unique Policy Area Issues

The Local Area Review for the Silver Spring CBD policy area must use the following assumptions and guidelines:

- Each traffic limit is derived from the heaviest traffic demand period in Silver Spring's case, the p.m. peak hour outbound traffic.

- When tested during a comprehensive circulation analysis, the critical lane volumes for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than the adopted level of service standards shown in Table 1 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.
- The Planning Board and the Department of Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long term parking spaces.

The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are:

Parking constraint: A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; this maximum assumes a peak accumulation factor of 0.9, which requires verification in Silver Spring and may be subject to revision. Interim long-term parking constraints must be imposed in accordance with the amount of interim development. Long-term public parking spaces must be priced to reflect the market value of constrained parking spaces.

Commuting goals: For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers during the peak periods. For new nonresidential development, attain 30 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by scientific, statistically valid surveys.

To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under County Code Chapter 42A.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of 5 peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

In the North Bethesda Transportation Management District, the goal is 39 percent non-driver mode share for workers in the peak hour. In the Bethesda Transportation Management District, the goal is 37 percent non-driver mode share for workers. In the Friendship Heights Transportation Management District, the goal is 39 percent non-driver mode share for workers. In the Great Seneca Science Center Transportation Management District, the non-driver mode share is 18 percent.

TA Alternative Review Procedures

TA1 Metro Station Policy Areas

An applicant for a subdivision which will be built completely within a Metro station policy area need not take any action under **TP Transportation Policy Area Mobility Review** or **TL Local Area Transportation Review** if the applicant agrees in a contract with the Planning Board and the County Department of Transportation to:

- submit an application containing all information, including a traffic study, that would normally be required for Local Area Transportation Review;
- meet trip reduction goals set by the Planning Board as a condition of approving that subdivision, which must require the applicant to reduce at least 50% of the number of trips attributable to the subdivision, either by reducing trips from the subdivision itself or from other occupants of that policy area;
- participate in programs operated by, and take actions specified by, a transportation management organization (TMO) to be established by County law for that policy area (or a group of policy areas including that policy area) to meet the mode share goals established under the preceding paragraph;
- pay an ongoing annual contribution or tax to fund the TMO's operating expenses, including minor capital items such as busses, as established by County law; and
- pay 75% of the applicable General District development impact tax without claiming any credits for transportation improvements.

TA2 Expiration of Approvals Under Previous Alternative Review Procedures

Annual ~~Growth~~**Subdivision Staging** Policy resolutions in effect between 1995 and 2001 contained Alternative Review Procedures that required any development approved under those procedures to receive each building permit no later than 4 years after the Planning Board approved the preliminary plan of subdivision for that development. Any outstanding development project approved under an Alternative Review Procedure is subject to the expiration dates in effect when that development project was approved, with the following 2 exceptions.

TA2.1 Certain multi-phased projects

A multi-phased project located in the R&D or Life Sciences Center zone may receive some of its building permits later than 4 years after its preliminary plan of subdivision is approved if:

- when the Planning Board approves or amends a site plan for the development, it also approves a phasing schedule that allows an extended validity period, but not longer than 12 years after the preliminary plan of subdivision was approved; and
- the applicant receives the first building permit for a building in the development no later than 4 years after the Planning Board approves the preliminary plan of subdivision for the development.

TA2.2 Certain developments in I-3 zone

Similarly, if the development is located in the I-3 zone, and a previously approved subdivision plan and site plan contains more than 900,000 square feet of office space and at least 40% of that space has been constructed by November 1, 2001, the Planning Board may approve an amendment to its site plan which allows an extended validity period, but not longer than 12 years after the preliminary plan of subdivision was approved.

~~**TA3 — Golf Course Community**~~

~~An applicant for a planned unit development in the Fairland White Oak policy area that includes a golf course or other major amenity which is developed on a public/private partnership basis need not take any action under **TL Local Area Transportation Review** if the applicant pays to the County a Development Approval Payment, established by County law, before the building permit is issued. However, the applicant must include in its application for preliminary plan approval all information that would have been necessary if the requirements for Local Area Transportation Review applied.~~

~~The Planning Board may approve the application if:~~

- ~~• not more than 100 units, in addition to Moderately Priced Dwelling Units (MPDUs), are built in the first fiscal year after construction of the development begins, and~~
- ~~• not more than 100 units, in addition to MPDUs and the unbuilt remaining portion of all prior years' approved units, are built in any later fiscal year.~~

~~**TA3.1 — MPDU Requirements**~~

~~Any applicant for a subdivision under **TA3** must agree, as part of the application, that it will build the same number of MPDUs among the first 100 units that it would be required to construct at that location if the subdivision consisted of only 100 units, or a pro rata lower number of MPDUs if the subdivision will include fewer than 100 units.~~

~~**TA3.2 — Requirement to Begin Construction**~~

~~Any applicant for a subdivision approval under **TA3** must agree, as part of the application, that it will not begin to construct any residential unit approved in the application later than 3 years after the plat is recorded or the site plan is approved (whichever occurs later).~~

TA4 Corporate Headquarters Facility

TA4.1 LATR

An applicant for a preliminary plan of subdivision need not take any action under Local Area Transportation Review if the applicant meets the following conditions:

TA4.1.1 Jobs/Location

The applicant must have employed an average of at least 500 employees in the County for the 2 years before the application was filed, and the applicant must seek to build or expand a corporate headquarters located in the North Bethesda Policy Area.

TA4.1.2 Size/Use

Any new or expanded building approved under this Procedure must not exceed 900,000 square feet, and must be intended primarily for use by the applicant and the applicant's affiliates or business partners.

TA4.1.3 Traffic Information

Each application must include all information that would be necessary if the requirements for Local Area Transportation Review applied.

TA4.1.4 Mode Share Goals

Each applicant must commit to make its best efforts to meet mode share goals set by the Planning Board as a condition of approving the subdivision.

TA4.1.5 TMO Participation

Each applicant must participate in programs operated by, and take actions specified by, the transportation management organization (TMO), if any, established by County law for that policy area to meet the mode share goals set by the Planning Board.

TA4.1.6 TMO Payment

If an applicant is located in a transportation management district, the applicant must pay an annual contribution or tax, set by County law, to fund the TMO's operating expenses, including minor capital items such as busses.

TA4.1.7 Development Approval Payment Limits

The applicant must pay the applicable Development Approval Payment (DAP) as provided in County Code §8-37 through 8-42, but not more than the DAP in effect on July 1, 2001.

TA4.1.8 Eligibility

An applicant may use this Procedure only if it met the criteria in **TA4.1.1** for number of employees and site location on November 1, 2003.

TA5 Strategic Economic Development Projects

An applicant for a preliminary plan of subdivision need not take any action under **TL Local Area Transportation Review** if all of the following conditions are met.

TA5.1 Traffic information

The applicant files a complete application for a preliminary plan of subdivision which includes all information that would be necessary if the requirements for LATR applied.

TA5.2 Designation

The County Council has approved the County Executive's designation of the development as a strategic economic development project under procedures adopted by law or Council resolution.

TA5.3 Transportation Impact Tax Payments

The applicant must pay double the applicable transportation impact tax without claiming any credits for transportation improvements.

TA.6 Public Infrastructure Projects

An applicant for a development which will be built solely as public infrastructure (i.e., school, firehouse, police station, library, etc.) need not take any action under TP Transportation Policy Area Review or TL Local Area Transportation Review as part of the Mandatory Referral review by the Planning Board.

TA7 Automobile related uses in the Cherry Hill Employment Area

For any property located in the Cherry Hill Employment Area with automobile repair, service, sales, parking, storage, or related office uses:

TA7.1 TP Transportation Policy Area ~~Mobility~~ Review and TL Local Transportation Review are not required.

TA7.2 This provision applies to any application for a preliminary plan of subdivision, site plan, or building permit approved before July 26, 2016.

Public School Facilities

S1 Geographic Areas

For the purposes of public school analysis and local area review of school facilities at time of subdivision, the County has been divided into 25 areas called high school clusters. These areas coincide with the cluster boundaries used by the Montgomery County Public School system.

The groupings used are only to administer the Adequate Public Facilities Ordinance and do not require any action by the Board of Education in exercising its power to designate school service boundaries.

S2 Grade Levels

Each cluster must be assessed separately at each of the 3 grade levels -- elementary, intermediate/middle, and high school.

S3 Determination of Adequacy

Each year, not later than July 1, the Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years. If at any time during a fiscal year ~~2010~~ the County Council notifies the Planning Board of any material change in the Montgomery County Public Schools Capital Improvements Program, the Planning Board may revise its evaluation to reflect that change.

S4 Moratorium on Residential Subdivision Approvals

In considering whether a moratorium on residential subdivisions must be imposed, the Planning Board must use 120% of Montgomery County Public Schools program capacity as its measure of adequate school capacity. This utilization measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 120% utilization, the Board must not approve any residential subdivision in that cluster during the next fiscal year. If the Planning Board revises its measure of utilization during fiscal year ~~2010-2013~~ because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.

Table 3 shows the result of this test for July 1, ~~2009-2012~~, to July 1, ~~2010-2013~~. Table 3 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

S5 Imposition of School Facilities Payment

In considering whether a School Facilities Payment must be imposed on a residential subdivision, the Planning Board must use 105% of Montgomery County Public Schools' program capacity as its measure

of adequate school capacity. This utilization measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 105% utilization but not exceed 120% utilization, the Board may approve a residential subdivision in that cluster during the next fiscal year if the applicant commits to pay a School Facilities Payment as provided in County law before receiving a building permit for any building in that subdivision. If the Planning Board revises its measure of utilization during ~~a~~-fiscal year ~~2010~~2013 because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.

Table 4 shows the result of this test for July 1, ~~2009~~2012, to July 1, ~~2010~~2013. Table 4 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

S6 Senior Housing

If public school capacity ~~is~~is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists solely of ~~multifamily~~-housing and related facilities for elderly or handicapped persons or ~~multifamily~~-housing units located in the age-restricted section of a planned retirement community.

S7 De Minimis Development

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists of no more than 3 housing units and the applicant commits to pay a School Facilities Payment as otherwise required before receiving a building permit for any building in that subdivision.

S8 Development District Participants

The Planning Board may require any development district for which it approves a provisional adequate public facilities approval (PAPF) to produce or contribute to infrastructure improvements needed to address inadequate school capacity.

S9 Allocation of Staging Ceiling to Preliminary Plans of Subdivision

The Planning Board must allocate available staging ceiling capacity in a high school cluster based on the queue date of an application for preliminary plan of subdivision approval.

S9.1 Assignment of queue date

The queue date of a preliminary plan of subdivision is the date:

- a complete application is filed with the Planning Board; or
- 6 months after the prior queue date if the prior queue date expires under **S9.4**.

S9.2 Calculation of available staging ceiling capacity

The Planning Board must determine whether adequate staging ceiling capacity is available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 3 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- deny an application for a project for which there is insufficient capacity; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If sufficient capacity is available for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

S9.3 Applicability of School Facilities Payment

The Planning Board must determine whether a project is required to pay a School Facilities Payment by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 4 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, requiring the remainder of the project to pay the applicable School Facilities Payment until additional capacity becomes available; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If a project must pay a School Facilities Payment, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the Payment requirement is in effect.

S9.4 Expiration of queue date

A queue date for an application for preliminary plan of subdivision approval expires:

- 6 months after the queue date if sufficient staging ceiling capacity was available for the entire project on the queue date and the Planning Board has not approved the application or granted an extension of the queue date; or
- 6 months after sufficient capacity becomes available for the entire project.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control.

Guidelines for Water and Sewerage Facilities

In accordance with the Adequate Public Facilities Ordinance, applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories ~~I, II, and III-1-3~~), or if the applicant either provides a community water and/or sewerage system or meets Department of Permitting Services requirements for septic and/or well systems, as outlined in the Adequate Public Facilities Ordinance. These requirements are determined either by reference to the Water and Sewerage Plan, adopted by the Council, or by obtaining a satisfactory percolation test from the Department of Permitting Services.

Applications must only be accepted for further Planning staff and Board consideration if they present evidence of meeting the appropriate requirements as described above.

Guidelines for Police, Fire and Health Services

The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved Capital Improvements Program and operating budgets of the relevant agencies. Where such evidence exists, either through agency response to the Subdivision Review committee clearinghouse, or through public commentary or Planning staff consideration, a Local Area Review must be undertaken. The Board must seek a written opinion from the relevant agency, and require, if necessary, additional data from the applicant, to facilitate the completion of the Planning staff recommendation within the statutory time frame for Planning Board action. In performing this Local Area Review, the facility capacity at the end of the sixth year of the approved CIP must be compared to the demand generated by the "most probable" forecast for the same year prepared by the Planning Department.

Guidelines for Resubdivisions

An application to amend a previously approved preliminary plan of subdivision does not require a new test for adequacy of public facilities if:

- Revisions to a preliminary plan have not been recorded, the preliminary plan has not expired, and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.
- Resubdivision of a recorded lot involves the sale or exchange of parcels of land (not to exceed a total of 2,000 square feet or one percent of the combined area, whichever is greater) between owners of adjoining properties to make small adjustments in boundaries.
- Resubdivision of a recorded lot involves more than 2,000 square feet or one percent of the lot area and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.

Timely Adequate Public Facilities Determination and Local Area Transportation Review under Chapter 8.

APF1 General.

Except as otherwise provided by law, an adequate public facilities determination or local area transportation review conducted under Article IV of Chapter 8 must use the standards and criteria applicable under this Resolution when evaluating the adequacy of public facilities to serve the proposed development.

APF2 Traffic Mitigation Goals.

Any proposed development that is subject to requirements for a traffic mitigation agreement under Article IV of Chapter 8 and §42A-9A of the County Code must meet the traffic mitigation goals specified in paragraphs (1) or (4), as appropriate.

- (1) Subject to paragraph (2), the portion of peak-period non-auto driver trips by employees of a proposed development must be at least the following percentage greater than the prevailing non-auto driver mode share of comparable nearby land use:

In Policy Areas With LATR CLV Standard of	Required Percentage Greater Than Prevailing Non-<u>Auto</u> driver Mode Share
1800 and 1600	100%
1550	80%
1500	60%
1475 and 1450	40%

LATR CLV standards for each policy area are shown on Table 1.

- (2) The portion of peak-period non-auto driver trips by employees calculated under paragraph (1) must not be less than 15% nor higher than 55%.
- (3) The applicant for a proposed development in a policy area specified under paragraph (1) is responsible for reviewing existing studies of non-auto driver mode share; conducting new studies, as necessary, of non-auto driver mode share; and identifying the prevailing base non-auto driver mode share of comparable land uses within the area identified for the traffic study. Comparable land uses are improved sites within the area identified for the traffic study for the proposed development that have similar existing land use and trip generation characteristics. As with other aspects of the traffic study required by Article IV of Chapter 8, selection of the comparable studies and land uses to be analyzed and determination of the prevailing base non-auto driver mode share are subject to review by the Planning Department and approval by the Department of Transportation.
- (4) Proposed development in the Silver Spring CBD must meet the commuting goals specified under **TL4**.

- (5) In accordance with County Code §42A-9A, the applicant must enter into an agreement with the Director of the Department of Transportation before a building permit is issued. The agreement may include a schedule for full compliance with the traffic mitigation goals. It must provide appropriate enforcement mechanisms for compliance.
- (6) As provided by law, these goals supersede traffic mitigation goals established under §42A-9A(a)(4).

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

TABLE 1

Local Area Transportation Review Intersection Congestion Standards

1350	Rural East	Rural West
1400	Damascus	
1425	Clarksburg Germantown East Montgomery Village/ Airpark	Gaithersburg City Germantown West
1450	Cloverly Olney R & D Village	North Potomac Potomac
1475	Aspen Hill Fairland/White Oak	Derwood
1500	Rockville City	
1550	North Bethesda	
1600	Bethesda/Chevy Chase Kensington/Wheaton	Germantown Town Center Silver Spring/Takoma Park
1800	Bethesda CBD Glenmont Rockville Town Center Silver Spring CBD Wheaton CBD	Friendship Heights CBD Grosvenor Shady Grove Twinbrook White Flint

Table 3

Subdivision Staging Policy Results of School Test for FY 2013

Reflects County Council Adopted FY 2013 Capital Budget and FY 2013–2018 Capital Improvements Program (CIP)
Effective July 1, 2012

School Test Level	Description	Cluster Outcomes by Level		
		Elementary Inadequate	Middle Inadequate	High Inadequate
Clusters over 105% utilization	5-year test Effective July 1, 2012 School facility payment required in inadequate clusters to proceed. Test year 2017-18	Blake (106.7%) Gaithersburg (110.0%) Magruder (105.4%) Paint Branch (114.5%) Quince Orchard (108.9%) Rockville (113.3%) Seneca Valley (111.9%)	Blair (106.9%) Walter Johnson (112.3%) Rockville (115.4%) Springbrook (106.7%) Wheaton (109.4%) Whitman (116.0%)	B-CC (115.8%) * Blake (106.7%) Walter Johnson (106.3%) Northwood (111.5%) Quince Orchard (107.1%) Whitman (109.3%) Wootton (107.6%)
Clusters over 120% utilization	5-year test Effective July 1, 2012 Moratorium required in clusters that are inadequate. Test year 2017-18			

* Utilization of B-CC HS includes a "placeholder" capital project of ten classrooms, pending a request for an addition in a future CIP.

Table 4

Subdivision Staging Policy FY 2013 School Test: Cluster Utilizations in 2017–2018

Reflects County Council Adopted FY 2013 Capital Budget and FY 2013–2018 Capital Improvements Program (CIP)
Effective July 1, 2012

Elementary School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium

Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13–18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	3,501	3,810	91.9%	Adequate	Open
Montgomery Blair	4,222	4,154	101.6%	Adequate	Open
James Hubert Blake	2,585	2,423	106.7%	Inadequate	School Payment
Winston Churchill	2,650	2,887	91.8%	Adequate	Open
Clarksburg	4,029	3,998	100.8%	Adequate	Open
Damascus	2,395	2,409	99.4%	Adequate	Open
Albert Einstein	2,760	2,639	104.6%	Adequate	Open
Gaithersburg	4,001	3,637	110.0%	Inadequate	School Payment
Walter Johnson	4,089	3,946	103.6%	Adequate	Open
John F. Kennedy	2,773	2,910	95.3%	Adequate	Open
Col. Zadok Magruder	2,683	2,546	105.4%	Inadequate	School Payment
Richard Montgomery	2,745	2,978	92.2%	Adequate	Open
Northwest	4,249	4,309	98.6%	Adequate	Open
Northwood	3,464	3,376	102.6%	Adequate	Open
Paint Branch	2,464	2,152	114.5%	Inadequate	School Payment
Poolesville	652	758	86.0%	Adequate	Open
Quince Orchard	3,035	2,787	108.9%	Inadequate	School Payment
Rockville	2,609	2,303	113.3%	Inadequate	School Payment
Seneca Valley	2,401	2,145	111.9%	Inadequate	School Payment
Sherwood	2,017	2,427	83.1%	Adequate	Open
Springbrook	3,295	3,151	104.6%	Adequate	Open
Watkins Mill	2,663	2,721	97.9%	Adequate	Open
Wheaton	3,156	3,304	95.5%	Adequate	Open
Walt Whitman	2,554	2,560	99.8%	Adequate	Open
Thomas S. Wootton	2,893	3,246	89.1%	Adequate	Open

Middle School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium					
Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13-18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	1,608	2,007	80.1%	Adequate	Open
Montgomery Blair	2,455	2,296	106.9%	Inadequate	School Payment
James Hubert Blake	1,301	1,314	99.0%	Adequate	Open
Winston Churchill	1,345	1,593	84.4%	Adequate	Open
Clarksburg	1,871	2,381	78.6%	Adequate	Open
Damascus	758	740	102.4%	Adequate	Open
Albert Einstein	1,234	1,332	92.6%	Adequate	Open
Gaithersburg	1,711	1,797	95.2%	Adequate	Open
Walter Johnson	2,057	1,831	112.3%	Inadequate	School Payment
John F. Kennedy	1,411	1,436	98.3%	Adequate	Open
Col. Zadok Magruder	1,277	1,637	78.0%	Adequate	Open
Richard Montgomery	1,331	1,444	92.2%	Adequate	Open
Northwest	2,135	2,052	104.0%	Adequate	Open
Northwood	1,453	1,459	99.6%	Adequate	Open
Paint Branch	1,279	1,228	104.2%	Adequate	Open
Poolesville	317	459	69.1%	Adequate	Open
Quince Orchard	1,453	1,688	86.1%	Adequate	Open
Rockville	1,099	952	115.4%	Inadequate	School Payment
Seneca Valley	1,302	1,485	87.7%	Adequate	Open
Sherwood	1,127	1,501	75.1%	Adequate	Open
Springbrook	1,361	1,275	106.7%	Inadequate	School Payment
Watkins Mill	1,239	1,359	91.2%	Adequate	Open
Wheaton	1,738	1,588	109.4%	Inadequate	School Payment
Walt Whitman	1,474	1,271	116.0%	Inadequate	School Payment
Thomas S. Wootton	1,434	1,567	91.5%	Adequate	Open
		37,692			

High School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium					
Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13-18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase*	2,162	1,867	115.8%	Inadequate	School Payment
Montgomery Blair	2,980	2,875	103.7%	Adequate	Open
James Hubert Blake	1,840	1,724	106.7%	Inadequate	School Payment
Winston Churchill	1,860	1,941	95.8%	Adequate	Open
Clarksburg	1,933	1,971	98.1%	Adequate	Open
Damascus	1,267	1,479	85.7%	Adequate	Open
Albert Einstein	1,468	1,618	90.7%	Adequate	Open
Gaithersburg	2,087	2,284	91.4%	Adequate	Open
Walter Johnson	2,437	2,292	106.3%	Inadequate	School Payment
John F. Kennedy	1,694	1,793	94.5%	Adequate	Open
Col. Zadok Magruder	1,626	1,896	85.8%	Adequate	Open
Richard Montgomery	2,301	2,232	103.1%	Adequate	Open
Northwest	2,246	2,151	104.4%	Adequate	Open
Northwood	1,686	1,512	111.5%	Inadequate	School Payment
Paint Branch	1,881	1,899	99.1%	Adequate	Open
Poolesville	1,097	1,152	95.2%	Adequate	Open
Quince Orchard	1,903	1,777	107.1%	Inadequate	School Payment
Rockville	1,499	1,530	98.0%	Adequate	Open
Seneca Valley	1,376	1,694	81.2%	Adequate	Open
Sherwood	1,868	2,013	92.8%	Adequate	Open
Springbrook	1,806	2,082	86.7%	Adequate	Open
Watkins Mill	1,499	1,980	75.7%	Adequate	Open
Wheaton	1,388	1,604	86.5%	Adequate	Open
Walt Whitman	1,998	1,828	109.3%	Inadequate	School Payment
Thomas S. Wootton	2,249	2,091	107.6%	Inadequate	School Payment

* Capacity at Bethesda-Chevy Chase HS includes a "placeholder" capital project of ten classrooms, pending a request for an addition in a future CIP.

Attachment 3.

ARTICLE XII. DEVELOPMENT IMPACT TAX FOR PUBLIC SCHOOL IMPROVEMENTS.*

***Editor's note**—2011 L.M.C., ch. 19, § 2, states, in part: The payment date for the development impact tax imposed under Articles VII and XII of Chapter 52, as amended by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date. The payment date for the Transportation Mitigation Payment and School Facilities Payment, imposed respectively under Section 52-59 and 52-94, apply to any Payment required on or after that date.

2003 L.M.C., ch. 26, § 2, states: Effective Date; Transition.

(a) This Act takes effect on March 1, 2004, and the development impact tax for public school improvements imposed under Section 52-89, added by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date.

(b) The development impact tax for public school improvements does not apply to any residential building located in a Metro Station Policy Area or Town Center Policy Area if:

(1) a site plan which includes that building was approved by vote of the County Planning Board, or the equivalent body in any municipality, before May 1, 2003; and

(2) (A) a building permit is issued for that building before September 1, 2006; or

(B) if the building is part of a mixed use project, a building permit is issued for any building or structure in that project before March 1, 2005.

Sec. 52-87. Definitions.

In this Article all terms defined in Section 52-47 have the same meanings, and the following terms have the following meanings:

Development impact tax for public school improvements means a tax imposed to defray a portion of the costs associated with public school improvements that are necessary to accommodate the enrollment generated by the development.

Public school improvement means any capital project of the Montgomery County Public Schools that adds to the number of teaching stations in a public school.

High-rise unit includes any dwelling unit located in a multifamily residential or mixed-use building that is taller than 4 stories, and any 1-bedroom garden apartment. ([2003 L.M.C., ch. 26, § 1.](#))

Sec. 52-88. Findings; purpose and intent.

(a) The amount and rate of growth will place significant demands on the County to provide public school improvements necessary to support and accommodate that growth.

(b) The County, through its adoption of the Capital Improvements Program, indicates its commitment to provide public school improvements.

(c) The County has determined that a combination of approaches will be necessary to fully achieve the level of public school improvements needed to accommodate growth. Thus, the County proposes to fund a program of public school improvements through development impact taxes to support new growth in the County.

(d) Imposing a development impact tax that requires new development to pay a share of the costs of public school improvements necessitated by that development in conjunction with other public funds is a reasonable method of raising the funds to build improvements in a timely manner.

(e) The development impact tax for public school improvements will fund, in part, the improvements necessary to increase public school capacity, thereby allowing development to proceed. Development impact taxes authorized in this Article will be used exclusively for public school improvements.

(f) In order to assure that the necessary public school improvements are constructed in a timely manner, the County intends to make sufficient funds available to construct the public school improvements.

(g) The County retains the power to determine the public school improvements to be funded by development impact taxes; estimate the cost of such improvements; establish the proper timing of construction of the improvements to meet school capacity needs as identified in the Growth Policy; determine when changes, if any, may be necessary in the County CIP; and do all things necessary and proper to accomplish the purpose and intent of this Article.

(h) The County intends to further the public purpose of assuring that adequate public school capacity is available in support of new development.

(i) The County's findings are based on the adopted or approved plans, planning reports, capital improvements programs identified in this Article, and specific studies conducted by Montgomery County Public Schools.

(j) The County intends to impose development impact taxes for public school improvements until the County has attained build-out as defined by the General Plan. ([2003 L.M.C., ch. 26, § 1](#); [2004 L.M.C., ch. 2, § 2](#).)

Sec. 52-89. Imposition and applicability of tax.

(a) An applicant for a building permit for a residential development must pay a development impact tax for public school improvements in the amount and manner provided in this Article before a building permit is issued for any residential development in the County unless:

- (1) a credit for the entire tax owed is allowed under Section 52-93; or
- (2) an appeal bond is posted under Section 52-56.

(b) Except as expressly provided in this Article, this tax must be levied, collected, and administered in the same way as the tax imposed under Article VII. All provisions of Article VII apply to this tax unless the application of that Article would be clearly inconsistent with any provision of this Article. This tax is in addition to the tax imposed under Article VII, and any tax paid under this Article must not be credited against any tax due under Article VII.

(c) The tax under this Article must not be imposed on:

(1) any Moderately Priced Dwelling Unit built under Chapter 25A or any similar program enacted by either Gaithersburg or Rockville,

(2) any other dwelling unit built under a government regulation or binding agreement that limits for at least 15 years the price or rent charged for the unit in order to make the unit affordable to households earning less than 60% of the area median income, adjusted for family size;

(3) any Personal Living Quarters unit built under Sec. 59-A-6.15, which meets the price or rent eligibility standards for a moderately priced dwelling unit under Chapter 25A;

(4) any dwelling unit in an Opportunity Housing Project built under Sections 56-28 through 56-32, which meets the price or rent eligibility standards for a moderately priced dwelling unit under Chapter 25A; and

(5) any development located in an enterprise zone designated by the State or in an area previously designated as an enterprise zone.

(d) The tax under this Article does not apply to:

(1) any reconstruction or alteration of an existing building or part of a building that does not increase the number of dwelling units of the building; and

(2) any building that replaces an existing building on the same site or in the same project (as approved by the Planning Board or the equivalent body in Rockville or Gaithersburg) to the extent of the number of dwelling units of the previous building, if:

(A) construction begins within one year after demolition or destruction of the previous building was substantially completed; or

(B) the previous building is demolished or destroyed, after the replacement building is built, by a date specified in a phasing plan approved by the Planning Board or equivalent body.

However, if in either case the tax that would be due on the new, reconstructed, or altered building is greater than the tax that would have been due on the previous building if it were taxed at the same time, the applicant must pay the difference between those amounts.

(e) If the type of proposed development cannot be categorized under the residential definitions in Section 52-47 and 52-87, the Department must use the rate assigned to the type of residential development which generates the most similar school enrollment characteristics. ([2003 L.M.C., ch. 26, § 1](#); [2007 L.M.C., ch. 16, § 1](#).)

Editor’s note—2003 L.M.C., ch. 26, § 2, states: Effective Date; Transition.

(a) This Act takes effect on March 1, 2004, and the development impact tax for public school improvements imposed under Section 52-89, added by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date.

(b) The development impact tax for public school improvements does not apply to any residential building located in a Metro Station Policy Area or Town Center Policy Area if:

(1) a site plan which includes that building was approved by vote of the County Planning Board, or the equivalent body in any municipality, before May 1, 2003; and

(2) (A) a building permit is issued for that building before September 1, 2006; or

(B) if the building is part of a mixed use project, a building permit is issued for any building or structure in that project before March 1, 2005.

 **Sec. 52-90. Tax rates.**

(a) The Countywide rates for the tax under this Article are:*

Dwelling type	Tax per dwelling unit
Single-family detached	\$8,000
Single-family attached	\$6,000
Multifamily (except high-rise)	\$4,000
High-rise	\$1,600
Multifamily senior	\$ 0

***Editor’s note**—The current rates, in accordance with paragraph (f), can be obtained from the Department of Permitting Services, 240-777-6240.

(b) The tax on any single-family detached or attached dwelling unit must be increased by \$2 for each square foot of gross floor area that exceeds 3,500 square feet, to a maximum of 8,500 square feet.

(c) Any Productivity Housing unit, as defined in Section 25B-17(j), must pay the tax at 50% of the otherwise applicable rate.

(d) Any non-exempt dwelling unit located in a development where at least 30% of the dwelling units are exempt from this tax under Section 52-89(c)(1)-(4) must pay the tax at 50% of the applicable rate in subsection (a).

(e) The County Council by resolution, after a public hearing advertised at least 15 days in advance, may increase or decrease the rates set in this Section.

(f) The Director of Finance, after advertising and holding a public hearing as required by Section 52-17(c), must adjust the tax rates set in or under this Section on July 1 of each odd-numbered year by the annual average increase or decrease in a published construction cost index specified by regulation for the two most recent calendar years. The Director must calculate the adjustment to the nearest multiple of one dollar. The Director must publish the amount of this adjustment not later than May 1 of each odd numbered year.

[\(2003 L.M.C., ch. 26, § 1; 2007 L.M.C., ch. 16, § 1.\)](#)

 **Sec. 52-91. Accounting; use of funds.**

(a) The Department of Finance must maintain and keep adequate financial records that:

(1) show the source and disbursement of all revenues under this Article;

(2) account for all funds received; and

(3) assure that the funds are used exclusively for the public school improvements listed in subsection (d).

(b) Interest earned on revenues under this Article must be used solely for public school improvements.

(c) The Department of Finance must annually issue a statement for this account.

(d) Revenues raised under this Article may be used to fund any:

(1) new public elementary or secondary school;

(2) addition to an existing public elementary or secondary school that adds one or more teaching stations; or

(3) modernization of an existing public elementary or secondary school to the extent that the modernization adds one or more teaching stations. ([2003 L.M.C., ch. 26](#), § 1.)

 **Sec. 52-92. Refunds.**

(a) Except as provided in this Section, Section 52-54 applies to any petition for a refund of taxes paid under this Article. Subsections 52-54(a)(1) and (d) do not apply to taxes paid under this Article.

(b) Any person who has paid a tax under this Article may apply for a refund of the tax if the County has not appropriated the funds for public school improvements of the types listed in Section 52-91(d) by the end of the sixth fiscal year after the tax is collected.

(c) The Director of Permitting Services must investigate each claim and hold a hearing at the request of the petitioner. Within 3 months after receiving a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The Director must specify the reasons for the decision, including, if a refund is claimed under subsection (b), a determination of whether funds collected from the petitioner, calculated on a first-in-first-out basis, have been appropriated or otherwise formally designated for public school improvements of the types listed in Section 52-91(d) within 6 fiscal years. ([2003 L.M.C., ch. 26](#), § 1.)

 **Sec. 52-93. Credits.**

(a) Section 52-55 does not apply to the tax under this Article. A property owner must receive a credit for constructing or contributing to an improvement of the type listed in Section 52-91(d), including costs of site preparation. A credit must not be allowed for the cost of any land dedicated for school use, including any land on which the property owner constructs a school.

(b) If the property owner elects to make a qualified improvement, the owner must enter into an agreement with the Director of Permitting Services, or receive a development approval based on making the improvement, before any building permit is issued. The agreement or development approval must contain:

- (1) the estimated cost of the improvement, if known then,
- (2) the dates or triggering actions to start and, if known then, finish the improvement.

(3) a requirement that the property owner complete the improvement according to Montgomery County Public Schools standards, and

- (4) such other terms and conditions as MCPS finds necessary.

(c) MCPS must:

- (1) review the improvement plan,

- (2) verify costs and time schedules,
- (3) determine whether the improvement is a public school improvement of the type listed in Section 52-91(d),
- (4) determine the amount of the credit for the improvement, and
- (5) certify the amount of the credit to the Department of Permitting Services before that Department or a municipality issues any building permit.

(d) An applicant for subdivision, site plan, or other development approval from the County, Gaithersburg, or Rockville, or the owner of property subject to an approved subdivision plan, development plan, or similar development approval, may seek a declaration of allowable credits from MCPS. MCPS must decide, within 30 days after receiving all necessary materials from the applicant, whether any public school improvement which the applicant has constructed, contributed to, or intends to construct or contribute to, will receive a credit under this subsection. If during the initial 30-day period after receiving all necessary materials, MCPS notifies the applicant that it needs more time to review the proposed improvement, MCPS may defer its decision an additional 15 days. If MCPS indicates under this paragraph that a specific improvement is eligible to receive a credit, the Director of Permitting Services must allow a credit for that improvement. If MCPS cannot or chooses not to perform any function under this subsection or subsection (c), the Department of Permitting Services must perform that function.

(e) The Director of Finance must not provide a refund for a credit which is greater than the applicable tax.

(f) Any credit issued under this Section expires 6 years after the Director certifies the credit. ([2003 L.M.C., ch. 26](#), § 1.)

 **Sec. 52-94. School Facilities Payment.**

(a) In addition to the tax due under this Article, an applicant for a building permit for any building on which a tax is imposed under this Article must pay to the Department of Finance a School Facilities Payment if that building was included in a preliminary plan of subdivision that was approved under the School Facilities Payment provisions in the County Subdivision Staging Policy.

(b) The amount of the Payment for each building must be calculated by multiplying the Payment rate by the latest per-unit student yield ratio for any level of school found to be inadequate for the purposes of imposing the School Facilities Payment in the applicable Subdivision Staging Policy and for that type of dwelling unit and geographic area issued by MCPS.

(c) The Payment rate is ~~\$19,514-19,439~~ per elementary school student, ~~\$25,411-21,250~~ per middle school student, and ~~\$28,501-24,375~~ per high school student, unless modified by Council resolution. The Council by resolution, after a public hearing advertised at least 15 days in

advance, may increase or decrease the Payment rate or set different rates for different types of housing unit.

(d) The Payment must be paid at the same time and in the same manner as the tax under this Article, and is subject to all provisions of this Article for administering and collecting the tax.

(e) The Department of Finance must retain funds collected under this Section in an account to be appropriated for MCPS capital improvements that result in added student capacity for the school cluster, or, if no cluster is established, another geographic administrative area, where the development for which the funds were paid is located. ([2003 L.M.C., ch. 26](#), § 1; [2007 L.M.C., ch. 16](#), § 1; [2010 L.M.C., ch. 35](#), § 2.)

(f) The Director of Finance, after advertising and holding a public hearing as required by Section 52-17(c), must adjust the tax rates set in or under this Section on July 1 of each odd-numbered year by the annual average increase or decrease in a published construction cost index specified by regulation for the two most recent calendar years. The Director must calculate the adjustment to the nearest multiple of one dollar. The Director must publish the amount of this adjustment not later than May 1 of each odd numbered year.

Editor's note—2011 L.M.C., ch. 19, § 2, states, in part: The payment date for the development impact tax imposed under Articles VII and XII of Chapter 52, as amended by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date. The payment date for the Transportation Mitigation Payment and School Facilities Payment, imposed respectively under Section [52-59](#) and [52-94](#), apply to any Payment required on or after that date.