

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-45-2010

Chapter No. _____

Proposed and Presented by Council Member Campos

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Transportation Demand Management Districts

3 For the purpose of revising the definitions, requirements, establishment and composition of
4 Transportation Demand Management Districts to include a pedestrian access and safety focus.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 20A. TRANSPORTATION.

7 Sections 20A-201, 20A-202, 20A-203, 20A-204, 20A-
8 206, 20A-207,20A-209 and 20A-210.

9 The Prince George's County Code
10 (2007 Edition, 2009 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 20A-201, 20A-202, 20A-203, 20A-204, 20A-206, 20A-207, 20A-209
13 and 20A-210 of the Prince George's County Code be and the same are repealed and reenacted
14 with the following amendments:

15 **SUBTITLE 20A. TRANSPORTATION.**

16 **DIVISION 2. TRANSPORTATION DEMAND MANAGEMENT.**

17 **Subdivision 1. General.**

18 **Sec. 20A-201. Definitions.**

19 (a) For the purposes of this Division:

20 * * * * *

21 (10) A **Transportation Demand Management Agreement (TDMA)** is an

1 approved written agreement between the Transportation Demand Management [Technical]
 2 Advisory Committee, as agent for Prince George's County [Planning Board], and a
 3 Transportation Management Association or other designated entity, which specifies the amount
 4 of vehicle trips to be reduced, by implementing transit, bicycle, pedestrian access and safety
 5 improvements, and the procedures by the by which these trips will be reduced and improvements
 6 provided.

7 (11) A **Transportation Demand Management District (TDMD)** is a legally
 8 defined geographic area in which vehicle trip reduction procedures, strategies, and programs,
 9 including use of transit, bicycle, and pedestrian access and safety improvements, are required.

10 (12) A **Transportation Demand Management Plan (TDMP)** is a document
 11 developed by a Transportation Management Association, or other entity required to reduce
 12 vehicle trips, which identifies programs and strategies, including transit, bicycle, pedestrian
 13 access and safety improvements, which will be implemented by the property owner(s) to satisfy
 14 the trip reduction requirements of the TDM District and is approved by the Transportation
 15 Demand Management Advisory Committee.

16 (13) **Transportation Demand Management [Technical] Advisory Committee**
 17 **(TDM[T]AC)** is an advisory [technical staff] committee, established by the [Planning Board]
 18 County Council, composed of two representatives from the County Council, including one from
 19 the District office where the TDMD is proposed, and one representative each from the County
 20 Planning Department, the County Department of Public Works and Transportation, the State
 21 Highway Administration, if the TDMD includes a State maintained roadway, from a
 22 municipality, if the TDMD is located within its corporate limits, and from the Transportation
 23 Management Association [transportation professionals who advise the County Council, the
 24 Planning Board, and interested parties concerning issues related to vehicle trip reduction].

25 (14) **Transportation Management Association (TMA)** is an entity established
 26 pursuant to this Division by property owners and which is tasked with reducing vehicle trips
 27 within a TDMD through the use of programs, strategies, and other means, including improving
 28 use of transit, bicycle and pedestrian access and safety facilities.

29 **Sec. 20A-202. Purpose.**

30 The purpose of Transportation Demand Management (TDM) is to reduce vehicle trip
 31 generation of existing and proposed developments during peak periods and, indirectly, on a daily

1 basis, including programs and strategies such as car and van pools, transit use incentives, parking
 2 fees and disincentives, improved pedestrian and bicycle access, safety and facilities. Reduction
 3 of peak-period and daily vehicle trips will reduce hydrocarbon, nitrogen dioxide and carbon
 4 dioxide emissions created by motor vehicle use. Reduction in vehicle-generated emissions is a
 5 requirement of the Clean Air Act Amendments of 1990. It is imposed on the Metropolitan
 6 Washington Region. Maryland is part of that region, and must adopt a State Implementation
 7 Plan which is developed by the Metropolitan Washington Council of Governments in
 8 coordination with the State Air Agency (Maryland Department of the Environment, Air
 9 Management Division) and the local governments within the Nonattainment Area. This State
 10 Implementation Plan must demonstrate how these emissions will be reduced to a point within the
 11 acceptable range. TDM programs must be a combined effort of both the public and private
 12 sectors must be considered as early as possible during the land use planning stage of master plan
 13 development, must be funded by various sources, must be visible and identifiable with
 14 marketable strategies and advocates within both the public and private sectors, and must be
 15 evaluated on a periodic basis to determine the level of success.

16 **Sec. 20A-203 Applicability.**

17 (a) The requirements of this Division shall apply to all nonresidential property
 18 owners located with a TDMD who are employers, or whose property is used by employers, who
 19 employ employees who arrive and depart during peak periods, and who are either:

20 (1) Located within any business park, shopping center, or other commercial or
 21 industrial development [of five or more acres], in separate or common ownership, which can be
 22 identified by one of more of the following characteristics:

23 (A) The development is known by a common name given to the project by
 24 its developer;

25 (B) It is governed by a common set of covenants, conditions, or
 26 restrictions;

27 (C) Is it subject of a single preliminary plan or final plat of subdivision; or

28 (2) Located in any single or multitenant building or group of buildings, with a
 29 total of twenty-five (25) or more employees on a single subdivided lot, which is not included in
 30 subparagraph (1)[,] above.

31 (b) The requirements of this Division shall apply to residential property owners

1 located within a TDMD, which have at least 25 dwelling units, including:

2 (1) A multifamily dwelling, as defined by Section 27-107.01 (a) (75) of the

3 Code;

4 (2) A condominium, as defined by Section 27-107.01 (a) (53) of the Code; or

5 (3) Any other common ownership community, as defined by Section 13-316 (a)

6 of the Code.

7 * * * * *

8 **Subdivision 2. Establishment of Districts.**

9 **Sec. 20A-204. Districts established through petition.**

10 * * * * *

11 (c) The petition to the Council should include, at a minimum, the following
12 information:

13 * * * * *

14 (3) Significant traffic generators within the proposed TDMD, such as:

15 * * * * *

16 (C) Multifamily dwellings, as defined by Section 27-107.01 (a) (75) of the Code.

17 (D) Condominiums, as defined by Section 27-107.01 (a) (53) of the Code.

18 (E) A common ownership community, as defined by Section 13-316 (1) of the

19 Code.

20 * * * * *

21 (e) The Transportation System Capacity Analysis shall include the employment and
22 population forecasts of the most recently adopted and approved Area Master Plans for the
23 proposed TDMD, or the adopted Cooperative Forecast, and the transportation network of
24 highways, [and] transit, bicycle, pedestrian access and safety facilities. This analysis may be
25 conducted for selected portions of the study area in those cases where excess traffic generation
26 will result from specific nodes of development activity, such as around areas targeted for
27 redevelopment, METRO stations, or freeway interchanges. The analysis area shall be no larger
28 than that deemed necessary to maintain an adequate level of service, as defined in the
29 Guidelines. Particular attention shall be paid to the fringes of proposed districts in order to
30 insure that no inequities occur.

31 * * * * *

1 (h) Following the conclusion of the public hearing, the Council shall indicate the time
2 and date of its action to adopt, modify, or reject the recommendations of the Planning Board. It
3 may also elect to consider the matter of declaring a TDMD as an issue to be considered during
4 the update of the Area Master Plan. If the Council adopts the petition by Council Resolution for
5 the establishment of a TDMD, it must:

6 * * * * *

7 (2) Establish a Transportation Demand Management [Technical] Advisory
8 Committee, if it has not yet been established;

9 * * * * *

10 (j) Within ninety (90) days of the establishment of the TDMD, the Council shall
11 notify all property owners to whom the requirements of the TDMD are applicable, and indicate
12 that these parties shall comply with the objectives of trip reduction, including transit, bicycle,
13 pedestrian access and safety improvements, or show cause why such compliance is not required.
14 The notification shall include a statement of goals and objectives of trip reduction, identification
15 of the TDMD's boundaries, names and addresses of contact persons within the TDM[T]AC,
16 dates of the initiation of the TDMP, and required dates of submission for Annual Compliance
17 Reports A property owner shall notify all tenants and leasees of the obligations of the TDMD.

18 **Sec. 20A-205. Districts established through the adoption of an Area Master Plan.**

19 * * * * *

20 (d) Following consultation with the Transportation Demand Management [Technical]
21 Advisory Committee, the Planning Board may recommend the establishment of a TDMD to the
22 Council. The recommendation shall be forwarded to the Council with all other considerations
23 and recommendations for the approval of the Area Master Plan. At a minimum, this
24 recommendation shall include the following information:

25 * * * * *

26 (g) Within ninety (90) days of the establishment of the TDMD, the Council shall
27 notify all property owners to whom the requirements of the TDMD are applicable, and indicate
28 that these parties shall comply with the objectives of trip reduction, including transit, bicycle,
29 pedestrian access and safety improvements, or show cause why such compliance is not required.

30 The notification shall include a statement of goals and objectives of trip reduction, identification
31 of the TDMD's boundaries, names and addresses of contact persons within the TDM[T]AC,

1 | dates of the initiation of the TDMP, and required dates of submission for compliance reports.

2 | **Subdivision 3. Implementation of Districts.**

3 | **Sec. 20A-206. Transportation Demand Management Plan.**

4 | (a) Within six months of the date of establishment of a TDMD, the TMA [each
5 | property owner] shall submit a Transportation Demand Management Plan. At a minimum, these
6 | TDMP[s] must include the following components:

7 | * * * * *

8 | (3) Strategies and programs for trip reduction, including quantified objectives
9 | which will reduce [both] vehicle trips and vehicle generated emissions, transit, bicycle,
10 | pedestrian access and safety facilities improvements.

11 | * * * * *

12 | (6) Proposed fee(s), charge(s) or assessment(s) for the subject property owners
13 | to met the goals and strategies for implementation of the TDMD.

14 | (7) Proposed operating and capital budgets, including debt service, if any, for
15 | the TDMD.

16 | (8) Proposed Transportation Demand Management Agreement.

17 | (b) The TMA may submit a consolidated TDMP for all owners, as defined in Sec.
18 | 20A-203, within the TDMD. The consolidated TDMP must be designed so that the action it
19 | requires satisfies the requirements of this section and specifies which owner(s) is responsible for
20 | implementation of the TDMP.

21 | (c) The TDM[T]AC shall review each TDMP submitted for consistency with the
22 | goals of the TDMD, consistency with the requirements of the enabling legislation, completeness,
23 | reasonableness, feasibility, ability to achieve the quantified goal for the trip reduction, and other
24 | issues, as appropriate. The TDMAC may require changes to the proposed TDMP to make
25 | consistent with the goals of the TDMD. If the proposed TMDP is found to be acceptable, the
26 | TMD[T]AC shall enter into an agreement with the property owner or designee pursuant to
27 | Section 20A-207 of this division.

28 | (d) The Council shall approve the TDMAC recommendations for the TDMP and
29 | TDMA, including establishing the annual fee(s) and shall be advised of progress concerning the
30 | TDMA by the TMD[T]AC.

31 | **Sec. 20A-207. Transportation Demand Management Agreement.**

(a) The TDMA shall include the following:

* * * * *

(3) Any capital projects recommended for transit, bicycle, pedestrian access and safety facilities improvements.

(4) Procedures for periodic monitoring and plan evaluation, and

(5) Proposed fee(s), charge(s) or assessment(s) for the subject property owners to meet the goals and strategies for implementation of the TDMD.

(6) A statement indicating an understanding of Council actions resulting from noncompliance with the terms and conditions of the TDMA.

* * * * *

Sec. 20A-209. Evaluation of Compliance.

(a) If the TDMA objectives have been found to be met after review of the Annual Compliance Report by the TDMAC [Planning Board], no further action is required by the TMA, other than continued compliance, until submittal of the next Annual Compliance Report.

(b) If the TDMA objectives have not been met, a [quarterly] semi-annual update will be required to be submitted to the TDMAC [Planning Board,] and the Council will be notified by the TDMAC [Planning Board]. If the objectives are not met by the second [quarterly] semi-annual report, the TDMAC [Planning Board] shall refer the matter to [the TDMTAC and] the Council for appropriate actions pursuant to Sec. 20A-210.

Sec. 20A-210. Actions for Noncompliance.

(a) Upon a finding of noncompliance by the TDMAC [Planning Board], the Council may amend or modify programs and objectives, notify the Department of Environmental Resources to deny further building permits, or refer the matter to the State’s Attorney for legal remedies. The level of the action taken by the County Council shall correspond with the degree and type of noncompliance, as described below.

(1) Where a property owner has attempted to meet the requirements of the agreement, but is unable to comply with the mandated reduction levels, the Council, following a review of the monitoring reports by the TDM[T]AC and any recommended modification to the TDMP by the TDM[T]AC, may do the following:

* * * * *

(2) If, upon the advice of the TDMAC [Planning Board], a report is found to be

1 fraudulent by means of willful falsification or misrepresentation, or if any property owner
2 located within the TDMD willingly fails or refuses to file the required periodic compliance
3 report and following review of the periodic monitoring reports and other necessary trip-
4 generation data by the TDM[T]AC, the Council may do the following:

5 * * * * *

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.