

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-61-2015

Chapter No. _____

Proposed and Presented by Council Member Harrison

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

SUBDIVISION BILL

1 AN ACT concerning

2 Adequacy of Transportation Facilities

3 For the purpose of amending the Subdivision Regulations of Prince George's County to require
4 the re-evaluation of a proposed development for adequacy of transportation public facilities,
5 under certain circumstances.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-124,

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 24-124 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 **SUBTITLE 24. SUBDIVISIONS.**

15 **DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.**

16 **Sec. 24-124. Adequate roads required.**

17 (a) Before any preliminary plan may be approved, the Planning Board shall find that:

18 (1) There will be adequate access roads available to serve traffic which would be
19 generated by the proposed subdivision, or there is a proposal for such roads on an adopted and
20 approved master plan and construction scheduled with one hundred percent (100%) of the
21 construction funds allocated within the adopted County Capital Improvement Program, within
22

1 the current State Consolidated Transportation Program, and/or such roads are incorporated in a
2 specific public facilities financing and implementation program as defined in Section 27-
3 107.01(186.1); and

4 (2) The traffic generated by the proposed subdivision will be accommodated on
5 major intersections and major roadways within the established study area such that they will be
6 functioning below the minimum peak-hour service levels adopted by the Planning Board in the
7 "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be
8 amended from time to time (hereinafter the "study area" refers to major intersections and major
9 roadways as defined in the "Guidelines"); or

10 (3) Roadway improvements or trip reduction programs fully funded by the subdivider
11 or his heirs, successors, and assigns will alleviate the inadequacy as defined in the "Guidelines;"
12 or

13 (4) Roadway improvements fully funded by the subdivider and the County and/or the
14 State government which will alleviate any inadequacy as defined in the "Guidelines," and which
15 will provide surplus capacity, may be eligible for the establishment of a Surplus Capacity
16 Reimbursement Procedure, as defined in the "Guidelines," provided:

17 (A) The transportation facility improvements are identified in the Adopted
18 County Capital Improvement Program or current State Consolidated Transportation Program,
19 with an amount greater than zero percent (0%) but less than one hundred percent (100%) of the
20 total cost to complete the improvements, and/or are incorporated in a specific public facilities
21 financing and implementation program as defined in Section 27-107.01(186.1); and

22 (B) The total cost estimates to complete the improvements have been approved
23 by the Planning Board upon acceptance by the appropriate public agency; and

24 (C) The necessary permits for construction of the transportation facility
25 improvements have been issued by the appropriate public agency; and

26 (D) The subdivider agrees to fund the difference between the total cost to
27 complete the improvements and the amount allocated for the improvements by the County or
28 State government in the Adopted CIP or current CTP; or

29 (5) Roadway improvements participated in by the subdivider will alleviate any
30 inadequacy as defined by the "Guidelines." Such participation shall be limited to improvements
31 defined in paragraph (4), above, and with sufficient surplus capacity to adequately accommodate

1 the subdivider's proposed traffic impact. The amount and timing of the subdivider's participation
2 shall be determined by the Planning Board as defined in the "Guidelines;" or

3 (6) Consideration of certain mitigating actions is appropriate as defined in the
4 approved "Guidelines for Mitigation Actions," and as provided below:

5 (A) Projected traffic service in the study area, which shall be based on existing
6 traffic, traffic generated by other approved development, and growth in through traffic as defined
7 in the "Guidelines," is calculated to be greater than the acceptable level of service; and

8 (B) The provisions for adequate roads, as described in Subparagraph (a)(1),
9 above, are not met.

10 (i) Where projected traffic service is calculated to be greater than or equal
11 to twenty-five percent (25%) above, the acceptable peak-hour service level threshold as defined
12 in the "Guidelines," the Planning Board may require that any physical improvement or trip
13 reduction programs participated in, or funded by, the subdivider or his heirs, successors, and
14 assigns shall fully abate the impact of all traffic generated by the proposed subdivision in the
15 study area. Following the development of the proposed subdivision and implementation of the
16 approved mitigation action, the total traffic service will be reduced to no higher than twenty-five
17 percent (25%) above the acceptable peak-hour service level threshold as defined in the
18 "Guidelines" (total traffic service shall be based on projected traffic and traffic generated by the
19 proposed development); or

20 (ii) Where projected traffic service is calculated to be greater than but less
21 than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined
22 in the "Guidelines," the Planning Board may require that any physical improvements or trip
23 reduction programs fully funded by the subdivider or his heirs, successors, and assigns shall fully
24 abate the impact of one hundred and fifty percent (150%) of all traffic generated by the proposed
25 subdivision in the study area. Following the development of the proposed subdivision and
26 implementation of the mitigation action, the total traffic service within the study area will be
27 reduced to no lower than the acceptable peak-hour service level threshold defined in the
28 "Guidelines"; or

29 (C) Where existing traffic service in the service area is at the acceptable
30 peak-hour service level threshold or better, as defined in the "Guidelines," and if the total traffic
31 service in the study area is no greater than ten percent (10%) above the acceptable peak-hour

1 service level threshold as defined in the "Guidelines" and the proposed subdivision generates less
2 than twenty-five (25) A.M. or P.M. peak-hour trips, the Planning Board may require that the
3 subdivider or his heirs, successors, and assigns shall be responsible for the pro rata cost of the
4 physical improvements necessary to alleviate the inadequacy as defined in the "Guidelines."

5 (D) Planning Board action on a mitigation action may be appealed to the District
6 Council by the applicant or by any party of record. The appeal shall be filed with the Clerk of
7 the Council within thirty (30) days following notice of action on the mitigation proposal by the
8 Planning Board to all parties of record. The Planning Board shall give notice of its action by
9 sending a copy to each party of record by first-class mail, postage prepaid. The appeal shall be
10 based upon the record as made before the Planning Board and shall set forth the reasons for the
11 appeal. In deciding an appeal of a mitigation action, the Council shall exercise original
12 jurisdiction. For any such appeal, the Council may, based on the record, approve, approve with
13 conditions, remand, or deny the mitigation action; or

14 (7) There is a proposal for such roads on a plan being considered by the United States
15 Department of Transportation and/or Federal Highway Administration, and which is funded for
16 construction within the next ten years. The Planning Board may condition the approval of the
17 subdivision on a construction schedule that minimizes any inadequacy.

18 (b) The Surplus Capacity Reimbursement Procedure shall be adopted by the Planning
19 Board by resolution, at a regularly scheduled public meeting. Any transportation facility
20 improvements that qualify for a Surplus Capacity Reimbursement Procedure are eligible for pro
21 rata share contributions from all subsequent subdividers which the Planning Board determines
22 will need the available surplus capacity to meet the requirements of this Section. The pro rata
23 share contributions shall be indexed to account for changes in the estimated cost to complete the
24 roadway improvements, using a cost index acceptable to the appropriate public agency. Within
25 fifteen (15) calendar days after adoption of a Surplus Capacity Reimbursement Procedure, the
26 Planning Board or its designee shall transmit to the County its adopted resolution and findings as
27 to the portion of the total Surplus Capacity Reimbursement improvements cost which qualifies
28 for prorated share contributions. Copies of the Planning Board resolution and the minutes of the
29 Planning Board hearing shall be available for public inspection. Once the Planning Board
30 determines that surplus capacity created by the Surplus Capacity Reimbursement improvements
31 does not exist, the improvements no longer qualify for pro rata share contributions from

1 subsequent subdividers. The Planning Board shall then transmit to the County a resolution
2 closing the Surplus Capacity Reimbursement.

3 (c) Notwithstanding any other provision in this Division, where an approved preliminary
4 plan for a property is based upon an assessment and finding of transportation adequacy that is
5 dated ten (10) or more years before the Planning Department acceptance date of a subsequent
6 development application for the property, Technical Staff shall re-evaluate the projected traffic
7 service for the proposed development for transportation adequacy using the standards prescribed
8 by this section. In approving the subject development proposal, the Planning Board shall find
9 that there will be adequate public roadway facilities to accommodate the projected traffic service
10 for the proposed development.
11

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the date it
2 becomes law.

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.