

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Resolution No. CR-55-1995

Proposed by Council Members Del Giudice and MacKinnon

Introduced by Council Members Del Giudice and MacKinnon

Co-Sponsors

Date of Introduction September 26, 1995

**RESOLUTION**

A RESOLUTION concerning

Guidelines for Mitigation Actions

FOR the purpose of modifying the "Guidelines for Mitigation Actions", which are incorporated into the procedures of the Planning Board's "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

WHEREAS, on May 3, 1994, the County Council adopted CR-29-1994, a Resolution approving the "Guidelines for Mitigation Actions" for use in subdivision applications; and

WHEREAS, the "Guidelines for Mitigation Actions" have been incorporated into the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", adopted by the Planning Board and most recently revised by the Planning Board on April 27, 1989; and

WHEREAS, the County Council desires to modify the "Guidelines for Mitigation Actions" to be applicable to development proposals other than subdivision applications; and

WHEREAS, an amendment to the Zoning Ordinance that incorporates the "Guidelines for Mitigation Actions" into the Ordinance has been presented to the Council.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the amended "Guidelines for Mitigation Actions", as set forth in the attached Appendix 1, be and the same is hereby approved.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 1995.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

## 10. MITIGATION ACTIONS

Mitigation is a process developed by the Prince George's County Council by which developments in certain areas of the County are allowed to provide roadway improvements (or funding for transportation improvements) which would improve traffic operations at nearby intersections. Mitigation represents a departure from the remainder of these Guidelines in that these improvements need not achieve Level-of-Service D operations on the affected links or at the affected interchanges or intersections. These mitigation procedures would allow development to proceed in certain areas experiencing unacceptable transportation service levels; however, the development could occur only if transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the development had not occurred. Mitigation may be considered in any development application which complies with these Guidelines.

The transportation staff recommends that the Planning Board and the District Council consider the use of mitigation procedures in the following circumstances. When staff receives a scoping agreement that includes mitigation within a municipality, the municipality will be notified.

1. The development is located within designated revitalization areas where the County wants to encourage new development or redevelopment, as approved by the District Council pursuant to CB-116-1993;
2. The development impacts roads inside the Beltway which are built to Master Plan maximum section or which cannot be improved due to physical or environmental constraints (in which case mitigation applies only to the facilities cited in this criterion);
3. The development impacts the following major regional road facilities which have a significant proportion of external traffic (in which case mitigation applies only to the facilities cited in this criterion): (a) MD 210 from Charles County to I-95; (b) MD 5 from Charles County to I-95; (c) MD 4 from Anne Arundel County to I-95; (d) US 301 from US 50 (I-595) to MD 5; and (e) MD 3 from Anne Arundel County to US 50 (I-595);
4. The development is located within 1 mile of a Metrorail or MARC station which is

- existing, under construction, funded for construction, or has an approved Environmental Impact Statement and is actively in Development and Evaluation by the Maryland Department of Transportation. The 1 mile distance shall be measured from the actual station; or
5. The development is located in an area in which public water and sewer is currently available; which meets all APF findings, (except those for transportation), with existing facilities or facilities having 100% construction funding in the County or State Programs; and which is within 1/2 mile of a bus stop having 15 minute headways or better and load factors of 100% or less.

Sites must meet at least one of the above geographic criteria to be considered for the use of mitigation procedures. Proposals for sites which partially meet the geographic criteria listed above are not eligible for mitigation.

The applicant shall prepare a traffic impact analysis (TIA) for a study area as determined by the Transportation and Public Facilities Planning Division (T&PFPD) staff. The TIA shall consider all significant transportation facilities (defined as any site access point, intersection between collector, arterial, and/or expressway facility, interchange, or roadway link where there is typically a two-mile interval between signalized intersections) to which 20 percent, or 150 peak hour trips, of the applicant's site-generated traffic is assigned, whichever is less (but in no case shall a facility to which 5 or fewer trips are assigned be considered). All significant transportation facilities shall be analyzed in accordance with procedures contained in these Guidelines or the Highway Capacity Manual (Special Report 209), as appropriate. If either of the following instances occur and the development proposal is in an area that is eligible for the use of mitigation procedures, the applicant shall include a Transportation Facilities Mitigation Plan (TFMP) with the TIA to support the application:

1. There are one or more critical intersections within the study area where the total projected traffic is at least 25 percent greater than that allowed for Level-of-Service D (where the critical lane volume is 1,813 or greater), or along roadway links where the total traffic condition produces a volume-to-capacity ratio of at least 1.0. The applicant's TFMP shall recommend improvements which will (a) eliminate at least 100 percent of the development-generated critical lane volume at the critical

- intersections, thereby resulting in a critical lane volume of no greater than 1,813; or
- (b) eliminate at least 100 percent of the incremental change in the volume-to-capacity ratio (the difference between the volume-to-capacity ratio under background traffic and the volume-to-capacity ratio under total traffic) along the critical roadway links, thereby reducing the volume-to-capacity ratio to 1.0 or less.
2. There are one or more critical intersections within the study area where the forecast total traffic does not exceed Level-of-Service D by 25 percent at intersections (where the critical lane volume is greater than 1,450 but less than 1,813) or along roadway links (V/C is greater than 0.8, but less than 1.0). The applicant's TFMP shall recommend improvements which will (a) eliminate at least 150 percent of the development-generated critical lane volume at the critical intersections or reduce the critical lane volume to 1,450; or (b) eliminate at least 150 percent of the incremental change in the volume-to-capacity ratio (the difference between the volume-to-capacity ratio under background traffic and the volume-to-capacity ratio under total traffic) along the critical roadway links or reduce the volume-to-capacity ratio to 0.8.

The traffic impact study shall include the analysis of all facilities within the study area indicating the projected level of service with and without the recommendations contained in the TFMP. The TFMP shall cite the specific geographic criterion(a) that determine the applicability of the use of mitigation procedures, and verify that the following conditions exist for all facilities which are mitigation candidates within the study area:

1. Adequate roadways, intersections and/or interchanges are not available to provide adequate service for traffic generated by the proposed subdivision, and these facilities do not have 100 percent of the required construction funding identified in the current Prince George's County Adopted Capital Improvement Program (CIP) or the current Maryland Department of Transportation Consolidated Transportation Program (CTP);
2. Projected traffic in the study area (including traffic generated by the proposed preliminary plan of subdivision) will reduce the peak hour service level at major intersections, interchanges and on roadways located within the study area below the minimum level of service adopted by the Prince George's County Planning Board in

its Guidelines;

3. Transportation facility improvements or trip reduction programs funded in whole or in part (if in part, other commitments must be made) by others can not eliminate the identified inadequacy; and
4. The source, timing and commitment of the funding to implement the identified improvements, programs and/or other methods of mitigation, is consistent with adopted plans, policies and programs of the M.N.C.P.P.C., the Prince George's County Department of Public Works and Transportation, the Maryland State Highway Administration and other transportation agencies.

Upon acceptance of a traffic study which includes a TFMP, the T&PFPD staff will circulate the study for review and comment to the Maryland State Highway Administration, the Prince George's County Department of Public Works and Transportation, and other appropriate agencies. If the TFMP includes mitigation improvements to facilities within one mile of a municipality, the T&PFPD staff will circulate the study for review and comment to that municipality. The length of the review period will be thirty (30) days from the date of circulation. In its cover memorandum requesting agency (or municipality) comment, the T&PFPD shall indicate that the traffic study includes a proposed TFMP, and shall request specific comments concerning the proposed TFMP. If the applicant recommends a geometric improvement strategy to mitigate the traffic impacts generated by the proposed development, the proposed geometric improvements must be in accordance with the standards or requirements established by the appropriate operating agency (i.e., the Prince George's County Department of Public Works and Transportation, the Maryland State Highway Administration, or others).

The TFMP and the comments received from the appropriate operating agencies (or municipalities) must be included in the T&PFPD staff report and will form the basis of the staff findings and recommendations to the Prince George's County Planning Board. The Planning Board may require that the applicant (or the applicant's heirs, successors, and/or assigns) shall be responsible for the full cost of any improvements or mitigation strategies necessary to alleviate any inadequacy as defined in the Guidelines. An affirmative vote of the majority of the Planning Board members in attendance or, if applicable, the District Council,

shall be required if the TFMP is opposed by the municipality within which the facility is located.

Alternative mitigation strategies are allowed for smaller development proposals. Such development proposals must meet each of the following criteria:

1. Traffic service levels from existing development on the established study area's significant transportation facilities is at Level-of- Service D or better as defined in the Guidelines;
2. Traffic service levels on significant transportation facilities in the established study area is at Level-of-Service E (as defined in the Guidelines) after considering background traffic plus traffic generated by the proposed development; and
3. The proposed development generates fewer than twenty-five (25) peak hour vehicle trips.

When all these criteria are met, the T&PFPD staff will prepare a TFMP for the significant transportation facility(ies) which are proposed as mitigation candidate(s). The TFMP shall include (a) a projection of total traffic (existing plus background plus site-generated traffic) for significant transportation facilities; (b) an identification of those geometric improvement strategies which are necessary to alleviate any inadequacy as defined in the Guidelines; (c) an estimate of the construction costs of those strategies; and (d) a methodology to determine the applicant's pro-rata share of the construction costs of those strategies.

This TFMP shall be circulated for review and comment to the Maryland State Highway Administration, the Prince George's County Department of Public Works and Transportation, other appropriate agencies and the applicant. If the TFMP includes mitigation improvements to facilities within one mile of a municipality, the T&PFPD staff will circulate the study for review and comment to that municipality. The length of the review period will be thirty (30) days from the date of circulation. The operating agencies (or municipalities) which review the TFMP may provide comment indicating that the proposed geometric improvements are in accordance with the standards or requirements established by those agencies. The TFMP and those comments received from the operating agencies (or municipalities) must be included in the T&PFPD staff report and will form the basis of the staff recommendation to the Prince

George's County Planning Board. The Planning Board may require that the applicant (or the applicant's heirs, successors, and/or assigns) shall be responsible for the pro-rata cost determined by the T&PFPD staff of the improvements necessary to alleviate any inadequacy as defined in the Guidelines. An affirmative vote of the majority of the Planning Board members in attendance or, if applicable, the District Council shall be required if the TFMP is opposed by the municipality within which the facility is located.