



## A. Fee-in-Lieu and Reasonable Requirements for Frontage Improvements

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Robert A. Kronenberg, Deputy Director, [Robert.Kronenberg@montgomeryplanning.org](mailto:Robert.Kronenberg@montgomeryplanning.org), 301-495-2187



Jason Sartori, Chief, Countywide Planning & Policy, [Jason.Sartori@montgomeryplanning.org](mailto:Jason.Sartori@montgomeryplanning.org), 301-495-2172



Eric Graye, Supervisor, Countywide Planning, [Eric.Graye@montgomeryplanning.org](mailto:Eric.Graye@montgomeryplanning.org), 301-495-4632



David Anspacher, Supervisor, Countywide Planning, [David.Anspacher@montgomeryplanning.org](mailto:David.Anspacher@montgomeryplanning.org), 301-495-2191

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### Description

- Briefing to receive Planning Board policy guidance on a consistent, criteria-based approach to reasonable requirements and fee-in-lieu for frontage improvements.

### Summary

- Develop criteria for the use of fee-in-lieu for frontage improvements.
- Ensure that transportation frontage improvements are reasonable as it relates to the project's impact on the overall transportation network, including all modes of transportation.
- Reasonably estimate the cost of transportation frontage improvements when fee-in-lieu is permitted.
- Ensure that fee-in-lieu results in construction by the County of similar improvements within a reasonable distance of the development project.
- A glossary of terms is provided in Attachment A.

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## **SECTION 1: BACKGROUND**

Over the past few years, staff from Montgomery Planning, Department of Permitting Services (DPS) and Department of Transportation (MCDOT) have been evaluating requests from the development community for fees-in-lieu of all or parts of pedestrian and bicycle improvements, primarily on the frontage of their property. Initially, the requests for fee-in-lieu were for frontage improvements on State roads where the impact of the development on the surrounding transportation infrastructure was not proportional to the extent of improvements requested, and where the Maryland State Highway Administration (SHA) would not permit the improvements on only a portion of their right-of-way. The requests have expanded to projects throughout the County where pedestrian and bicycle improvements may be more costly in part based on the context-sensitive considerations and layered to the amount of development proposed.

In July 2021, staff presented a preliminary plan for a residential single-family project that supported a fee-in-lieu for lots where frontage improvements that included sidewalks and a bikeable shoulder were not reasonable based on the small number of lots proposed. The Planning Board agreed with the methodology of using a \$16,000 per lot fee (based on the LATR calculation) for this project, however the Planning Board asked for staff to return with a broader policy discussion on the topic of fee-in-lieu.

## SECTION 2: INTENT AND PURPOSE

Staff's preference is always to require that applicants build frontage improvements, including sidewalks, sidepaths, conventional bike lanes, separated bike lanes and protected intersections identified in relevant area master plans, functional plans, the Complete Streets Design Guide or the County Code. However, in some situations, fee-in-lieu payments should be permitted as an alternative to the planned improvements where certain criteria are met.

The intent of this staff report is to develop a consistent, criteria-based approach to allowing a reasonable fee-in-lieu for frontage improvements for use by Planning Department staff, County and State transportation agencies, and the development community with regard to pedestrian and bicycle improvements recommended in relevant master, sector and functional plans, as well as the Complete Streets Design Guide, within the respective rights-of-way. Specifically, the criteria would accomplish the following:

- Develop criteria for the use of fee-in-lieu for frontage improvements.
- Ensure that transportation frontage improvements are reasonable as it relates to the project's impact on the overall transportation network, including all modes of transportation.
- Reasonably estimate the cost of transportation frontage improvements when fee-in-lieu is permitted.
- Ensure that fee-in-lieu results in construction by the County of similar improvements within a reasonable distance of the development project.

To achieve the goals of this approach, it is necessary to resolve several issues:

- Determine when a full or partial fee-in-lieu is acceptable.
- Calculate the fee that captures the cost of the improvement and maintains its value over time.
- Determine which agency collects the funds and how they are applied.

In developing the approach described in this staff report, staff considered how it would interact with the Urban Mobility Program (UMPs) that is under development by MCDOT. Planning staff believes that this approach will need to be revisited when the UMPs are instituted.

Planning Staff is requesting guidance on this process to streamline reviews with applicants and other transportation agencies.

## SECTION 3: RECOMMENDED FEE-IN-LIEU APPROACH

### Reasons for Fee-in-Lieu

To develop a consistent approach for applying fee-in-lieu, Planning Department staff reviewed about 20 projects where fee-in-lieu was approved and about 30 administrative subdivisions since 2019. In the context of these cases, the five reasons that seem to support fee-in-lieu are:

1. Unreasonable Improvements Based on Project Size
2. Severe Environmental Impacts
3. Changes to the Roadway Section that Would be Unsafe
4. Continuity of Bikeways
5. Timing with a Public Project
6. State Highway Access Permits

To assist staff in determining when to recommend fee-in-lieu, Planning staff developed the decision tree shown in Figure 1, which is divided into several parts. In red along the top, the decision tree shows the five **reasons** that fee-in-lieu may be recommended. In green, the **lead agency** for reviewing the reason for recommending fee-in-lieu is shown. In blue are the **criteria** for determining whether an alternative to a frontage improvement should be permitted. In purple on the bottom is the **outcome** for the development project.

While no process can anticipate all reasons why fee-in-lieu might be appropriate, the intent is to create a consistent process to determining if fee-in-lieu should be applied and how to do so in most regulatory projects.

### Criteria for Alternatives to Frontage Improvements

The criteria for evaluating whether each of the five reasons for approving alternatives to constructing a full frontage improvement are described below. If none of these criteria are met, a full frontage improvement would be required.

1. Unreasonable Improvements Based on Project Size

One of the most common reasons fee-in-lieu was approved was due to the excessive nature and cost of the improvements as compared to the size and impact of the project. In these instances, the cost of the frontage improvements is considered to outweigh the projected impacts caused by the project. These projects are often administrative subdivisions where a few units are proposed. The reasons for the high cost of the frontage improvement varies but some include: a very long frontage, topography that generates the need for extensive grading or substantial retaining walls, replacement of culverts, relocating utilities, and the extensive cost to widen the road to implement bikeable shoulders.

A recent example of where a frontage improvement was not required was the bikeable shoulders along 20035 New Hampshire Avenue. This project was for small improvements to a landscaping company and would have require over 600 feet of bikeable shoulder construction.

To address proportionality, applicants would have the choice to either construct sidewalk, sidepath or bikeable shoulder improvements along their frontage, or pay a fee-in-lieu for these improvements when the following criteria are met:

- When constructing sidewalks and sidepaths for projects with 3 or fewer residential units where the sidewalks and sidepaths would:
  - require relocating utilities, including utility poles and stormwater facilities;
  - require extensive grading and large retaining walls or replacement of structures (culverts);
  - exceed a length of 2 times the number of proposed units times the “Lot width at front building line (min)” in the relevant zone (for projects with one street frontage);
  - exceed a length of 3 times the number of proposed units times the “Lot width at front building line (min)” in the relevant zone (for projects with multiple street frontages).
- When constructing bikeable shoulders for projects with 5 or fewer residential units.

Planning staff will determine when a retaining wall or replacement of other structures is excessive.

## 2. Severe Environmental Impacts

In some instances, severe environmental impacts to wetlands, floodplains, significant grades or forest conservation easements make installation of the pedestrian and bicycle improvements impractical. Determining where severe environmental impacts exist will be based on Planning Department staff judgement.

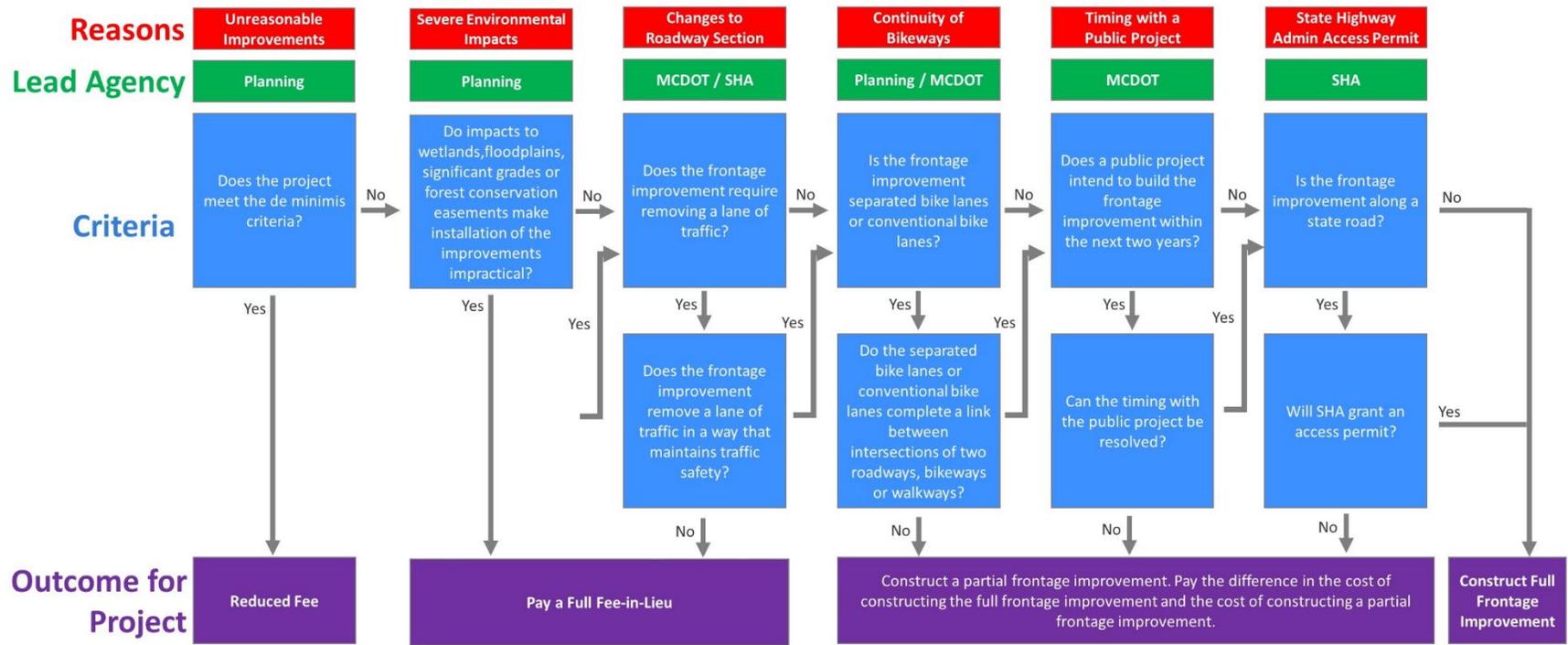
## 3. Changes to the Roadway Section

For separated bike lanes and conventional bike lanes that require repurposing traffic lanes, MCDOT or SHA will need to determine if removing the lane(s) can be accomplished safely. In some instances, removing a lane of traffic will negatively impact safety by interrupting the flow of traffic for a very short distance. In these instances, applicants would be required to pay a full fee-in-lieu of constructing the separated bike lanes and conventional bike lanes. Recent examples of where full fee-in-lieu was required and that meet the proposed fee-in-lieu criteria are listed in Table 2.

Table 1: Recent Projects with “Changes to the Roadway Section”

Project	Plan #	Frontage Improvement	Frontage
4824 Edgemoor Lane	120200070	Separated Bike Lanes	60 ft on Edgemoor Ln
7607 Old Georgetown Road	120190050	Separated Bike Lanes	100 ft on Old Georgetown Rd
Edgemont II	11984058A	Separated Bike Lanes	240 ft on Woodmont Ave 370 ft on Edgemoor Ln
ZOM Bethesda	120180140	Separated Bike Lanes	100 ft on Edgemoor Ln

Figure 1: Fee-in-Lieu Decision Tree



4. Continuity of Bikeways

If the frontage improvement is separated bike lanes or conventional bike lanes that will be constructed outside of the roadway but that will not immediately connect to intersections of roadways, bikeways or walkways, the applicant would be required to help prepare the site for the future improvement and pay the difference between the full cost of the project and the portion they have constructed, as described in the “Construct a Partial Improvement & Pay a Partial Fee-in-Lieu” section below. Recent examples of where “continuity of bikeways” was cited as a reason for a partial fee-in-lieu and a partial improvement are listed in Table 3.

Table 2: Recent Examples with “Continuity of On-Road Bikeways”

Project	Plan #	Frontage Improvement	Frontage
12500 Ardennes	820200080	Separated Bike Lanes	100 ft on Twinbrook Pkwy
Residences at Knowles Station	120200160	Separated Bike Lanes	200 ft on Knowles Ave

For the 12500 Ardennes project, the Bicycle Master Plan recommends two-way separated bike lanes on Twinbrook Pkwy. Since the project’s frontage on Twinbrook Pkwy was only about 100 feet, the applicant was required to implement the development project in such a way as to not preclude future implementation of the separated bike lanes, while providing a partial improvement in the form of a 13-foot-wide shared use path. The applicant was also required to pay a pro rata share of \$42,000.

For the Residences at Knowles Station, the Bicycle Master Plan recommends two-way separated bike lanes on Knowles Ave. Since the project’s frontage on Knowles Ave was only about 200 feet, the applicant was required to implement the project in such a way as to make it easier to implement the separated bike lanes as part of a future capital project, by constructing a 10 ft shared use path that would later be converted to separated bike lanes and preserving space for a future sidewalk. The applicant was not required to pay a partial fee-in-lieu at the time of approval but would be required with the recommended fee-in-lieu approach.

5. Timing with a Public Project

If the construction of a capital project is likely to be underway during the construction of a development project, there may be a timing issue in requiring the development project to construct a frontage improvement. If MCDOT can work out the timing issue, the applicant would be required to construct the frontage improvement. If not, the applicant would be required to pay a fee-in-lieu.

Once recent example of where a timing issue existed between a development project and a capital project was the Avocet Towers project on Montgomery Avenue in Downtown Bethesda. MCDOT is planning to construct two-way separated bike lanes along this roadway, but through extensive

coordination with Avocet Towers, determined that it would be beneficial to have the development project construct the separated bike lanes along its frontage. The Avocet Towers project broke ground in May 2019. MCDOT's separated bike lanes project is expected to break ground in fall 2021.

#### 6. State Highway Access Permit

In some instances, after a plan was approved by the Planning Board, the Maryland State Highway Administration has denied an access permit for a bikeway or sidewalk frontage improvement that does not connect to other bikeways or sidewalks. In more recent cases, SHA has elected to not permit frontage improvements that are more in isolation. While additional coordination with SHA is needed to reduce these occurrences, in these instances the applicant would be required to help prepare the site for the future improvement (with SHA's agreement) and pay the difference between the full cost of the project and the portion they have constructed. Since SHA will not accept fees-in-lieu, we have been coordinating with MCDOT to collect and distribute funds for infrastructure projects within the same policy area.

### **Outcome for Project**

The fee-in-lieu approach has four **outcomes** for development projects:

#### 1. Reduced Fee for De Minimis Projects

For projects that meet the de minimis criteria, applicants would be required to dedicate the right-of-way and are either required to construct the frontage improvement, or to pay a fee-in-lieu of constructing sidewalks, sidepaths and bikeable shoulders. The cost of improvements will be determined with input from MCDOT over the next few weeks and presented to the Planning Board in December. The intent is that the fee will reflect the cost of a sidewalk, sidepath or bikeable shoulder in locations where topography and other obstructions do not exist. However, even with these assumptions, it is likely that the cost of bikeable shoulders may be high. Placeholders for these reduced costs are:

- Sidewalk = \$TBD per square foot in 2021 dollars
- Sidepaths = \$ TBD per square foot in 2021 dollars
- Bikeable Shoulders = \$TBD per square foot in 2021 dollars

#### 2. Pay a Full Fee-in-Lieu & Construct No Frontage Improvement

For projects where a full fee-in-lieu is applicable, the fee will be calculated as follows:

- Define the Improvement: The frontage improvement is the "permanent" design condition, as defined by the Bicycle Master Plan (see Appendix A) and the Complete Streets Design Guide.
  - For separated bike lanes this includes "intermediate level bikeways" and protected intersections when required by the Complete Streets Design Guide.

- For sidepaths this includes protected intersections.
- For Breezeways, this includes constructing the facility to public road standard.
- Determine Improvement Cost:
  - Consistent with requirements in the Bicycle Master Plan (see Appendix A), applicants submit a 30 percent engineering design / horizontal alignment plans to MCDOT.
  - MCDOT estimates the improvement cost using the SHA Cost Calculating Manual, the MDOT Cost Estimating Tool for Bicycle Infrastructure, or the Department of Permitting Services Public Right-of-Way Bond Calculator. Ultimately, Montgomery County may want to develop its own cost estimation tool.
- Account for Inflation: Since costs grow over time due to inflation, the actual payment an applicant makes will be inflated using the Engineering News-Record (ENR) Cost Construction index<sup>1</sup>. The cost will be inflated from the month and year of Planning Board approval to the month and year of building permit issuance.
- Dedicate the right-of-way required for the county to construct the project.

### 3. Construct a Partial Improvement & Pay a Partial Fee-in-Lieu

Consistent with requirements in the Bicycle Master Plan (see Appendix A), in instances where a partial improvement and partial fee-in-lieu are recommended, applicants will:

- Construct a Partial Frontage Improvement: The applicant must facilitate future implementation of the frontage improvement by dedicating land or establishing other necessary easements to accommodate the future improvement, grading the site and ensuring that utilities, stormwater management facilities, streetscape improvements, landscaping and other features do not conflict with the future implementation of the permanent frontage improvement. Where the permanent frontage improvement is two-way separated bike lanes outside of the roadway, the applicant may be required to construct a sidepath as an interim improvement while facilitating future implementation of the permanent frontage improvement.
- Pay a Partial Fee: The applicant will pay the difference between the cost of constructing the full frontage improvement and the cost of constructing the partial frontage improvement. MCDOT will determine the cost of the partial fee-in-lieu by calculating the total cost of the improvement and subtracting from it the cost of the partial improvement to be constructed by the applicant.

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<sup>1</sup> See: [https://www.enr.com/economics/historical\\_indices/construction\\_cost\\_index\\_history](https://www.enr.com/economics/historical_indices/construction_cost_index_history)

4. Construct a Full Frontage Improvement & Pay No Fee-in-Lieu

If the fee-in-lieu process does not trigger a reduced fee or a full or partial fee-in-lieu, the applicant will be required to dedicate and construct the full frontage improvement.

**Use of Fee**

The use of fees would follow the approach in the recently approved Growth and Infrastructure Policy (GIP). Funds must be used by MCDOT in the construction of other pedestrian frontage improvements (when the fee-in-lieu is for a pedestrian frontage improvement), bikeway frontage improvements (when the fee-in-lieu is for a bikeway frontage improvement) or transit frontage improvements (when the fee-in-lieu is for transit frontage improvements) within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise. Therefore, a fee for a project in the Germantown Town Center policy area (an Orange town center policy area) could also be used in the Germantown East and Germantown West policy areas. The County's 44 transportation policy areas are shown in Figure 2.

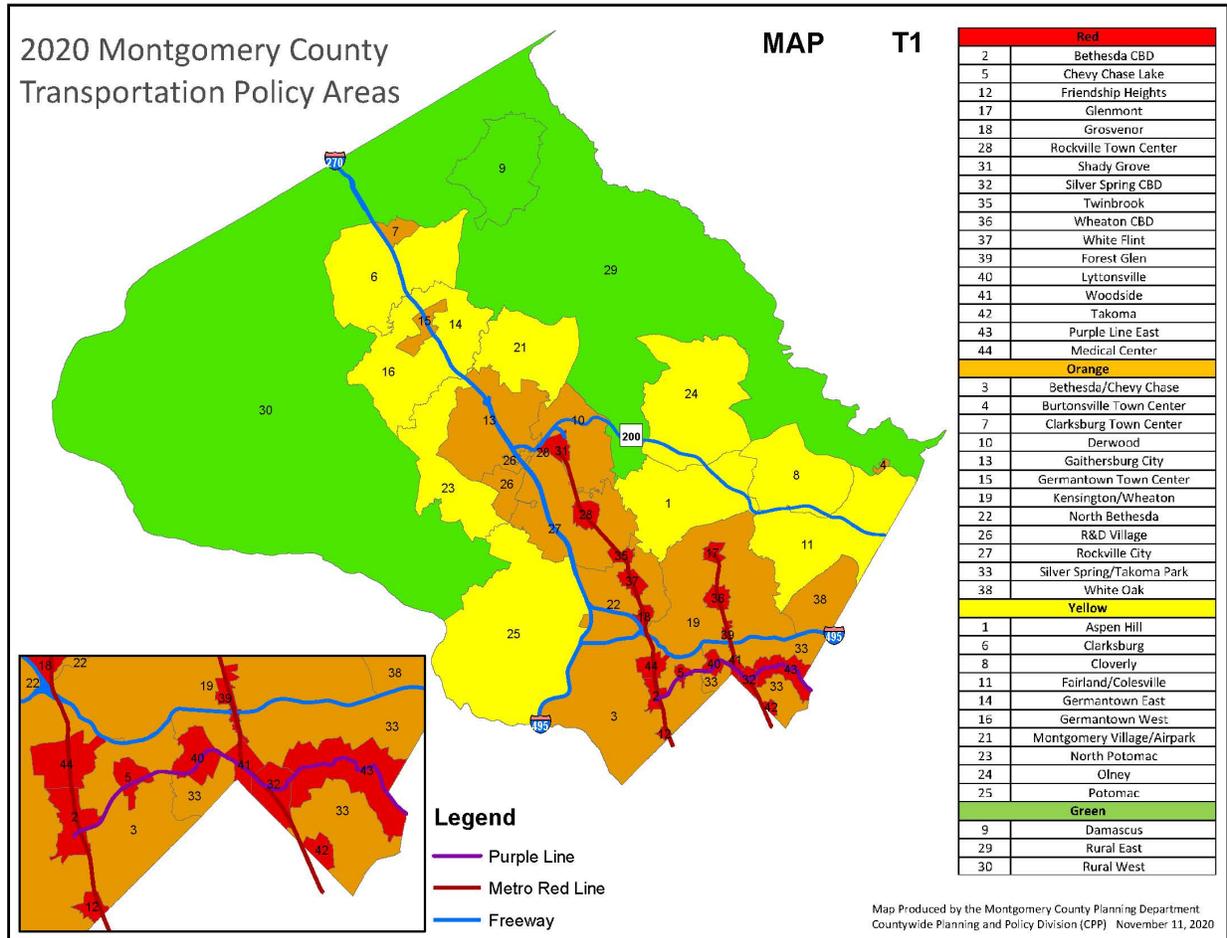
Fee-in-lieu payments would be directed to MCDOT regardless of whether the improvement is planned along a State or County road, as SHA typically defers sidewalks and bikeway projects to the County.

Identifying which transportation policy area to dedicate fee-in-lieu towards requires that the Montgomery County Office of Management and Budget (OMB) institute a more sophisticated tracking system than currently exists. However, there is precedent for such a tracking system in the school Utilization Premium Payment section of the County Code, which states:

Section 52-59 (e): The Department of Finance must retain funds collected under this Section in an account to be appropriated for any public school improvement that adds capacity designed to alleviate overutilization in the school service area from which the funds were collected.

Therefore, it is reasonable to expect that OMB can set up a similar tracking system for transportation fee-in-lieu.

Figure 2: Map of Transportation Policy Areas



**Example Condition**

Pulling the full approach together, an example condition for regulatory approvals could be:

Prior to issuance of building permit, the Applicant must make a payment of \$###,### in [year of approval] dollars to the Montgomery County Department of Transportation towards the construction of a [transit, bikeway or pedestrian] improvement to the [identify policy area] policy area. The payment will be inflated based on the ENR Construction Cost Index from the month and year of the Planning Board resolution to the month and year of building permit issuance.

#### SECTION 4: PROPOSED CHANGES TO COUNTY CODE

In some limited cases the Planning Board has already approved development plans with a fee-in-lieu of construction of the planned pedestrian and bicycle improvements. However, MCDOT has been unable to accept such payments because Chapter 49, the “Road Code,” specifically **Sec. 49-33. Road construction requirements**, requires the following (bold emphasis added):

49-33(e) (1) If a lot or lots front on a public road, **the permittee must install** sidewalks, master-planned bikeways, ramps, curbs, and gutters, **except any sidewalk**:

(A) in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;

(B) on any roadway classified as exceptional rustic, rustic, country arterial, or country road;

(C) on a tertiary residential street, or in an environmentally sensitive area with limits on the amount of impervious surface allowed, if in either case the Planning Board finds that a sidewalk is unnecessary for pedestrian movement; or

(D) on a secondary or tertiary residential street or service drive where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.

Therefore, in order for the applicant to implement the Planning Board’s approved preliminary plan conditioned on a fee-in-lieu under certain criteria, staff propose the following amendments to Sec. 49-33(e):

49-33(e) (1) If a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters, except [any sidewalk]:

(A) any sidewalk in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;

(B) any sidewalk on any roadway classified as exceptional rustic, rustic [, country arterial, or country road];

(C) any sidewalk on a tertiary residential street, or in an environmentally sensitive area with limits on the amount of impervious surface allowed, if in either case the Planning Board finds that a sidewalk is unnecessary for pedestrian movement; or

(D) [on a secondary or tertiary residential street or service drive where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.] When constructing:

(i) Sidewalks and sidepaths for projects with 3 or fewer residential units where the sidewalks and sidepaths would:

a) require relocating utilities, including utility poles and stormwater facilities;

- b) require extensive grading and large retaining walls or replacement of structures (culverts);
  - c) exceed a length of 2 times the number of proposed units times the “Lot width at front building line (min)” in the relevant zone (for projects with one street frontage);
  - d) exceed a length of 3 times the number of proposed units times the “Lot width at front building line (min)” in the relevant zone (for projects with multiple street frontages).
- (ii) Bikeable shoulders for projects with 5 or fewer residential units.

(E) any sidewalk or master-planned bikeway where the Planning Board establishes criteria to accept a payment in lieu of a transportation improvement.

Staff also propose the following amendment to Sec. 50-4.3(E)(3)(b):

b. *Existing public roads.* In a preliminary plan or administrative subdivision plan application containing lots fronting on an existing State, County, or municipally maintained road, the subdivider must provide any additional required right-of-way dedication and reasonable improvement to the road in front of the subdivision, including sidewalks and bicycle facilities, as required by Master Plan, the Road Design and Construction Code or by a municipality, whichever applies, except as provided in Sec. 49-33(e).

## SECTION 5: NEXT STEPS

This is the first step in the process of evaluating the use of a fee-in-lieu for pedestrian and bicycle improvements. This briefing will be followed by a month of Local Area Transportation Review stakeholder meetings to discuss guidance pertaining to the process provided by the Planning Board. The goal is to provide the Planning Board with feedback from the stakeholder groups and come away with a clear policy on how to obtain these infrastructure improvements. Staff will be conducting meetings with the development community, including the Maryland Building Industry Association (MBIA), NAIOP, transportation consultants, and land use attorneys who represent property owners and developers to gain their insight on the Planning Board's discussion and recommendations regarding this topic. Staff will return to the Planning Board by the end of the calendar year with a compilation of responses and final guidance and direction of the policy.

While MCDOT has provided several rounds of comments on earlier versions of this process, Planning Department will continue to seek their feedback on recent revisions. Additionally, staff will work with MCDOT to:

1. Select an interim cost estimation procedure for transportation improvement costs.
2. Develop a permanent cost estimation procedure for transportation improvement costs specific to Montgomery County.
3. Identify the cost per square foot of sidewalks, sidepaths and bikeable shoulders.

## ATTACHMENT A: GLOSSARY

**Bikeways:** Bikeways provide physical infrastructure to improve the comfort and safety of bicycling. They are established in Montgomery County's 2018 *Bicycle Master Plan* and include:

- **Bikeable Shoulders:** portions of the roadway that accommodate stopped or parked vehicles, emergency use, bicycles and motor scooters, and pedestrians where sidewalks do not exist.
- **Conventional Bike Lanes:** (or simply bike lanes) are portions of the street that have been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists.
- **Separated Bike Lanes:** Also known as protected bike lanes or cycle tracks, they provide exclusive bikeways that combine the user experience of a sidepath with the on-street infrastructure of a conventional bike lane. They are physically separated from motor vehicle traffic and distinct from the sidewalk. They operate one-way or two-way.
- **Sidepaths:** shared use paths located parallel to and within the road right-of-way. They provide two-way travel routes designated for walking, bicycling, jogging, and skating.

**Breezeways:** the arterial bikeway network.

**Capital Improvements Program (CIP):** A six-year comprehensive statement of the objectives of capital programs with cost estimates and proposed construction schedules for specific projects. The proposed Montgomery County CIP is submitted by the County Executive to the County Council every two years and a general amendment is typically submitted in the off-years.

**Complete Streets Design Guide:** A document that provides policy and design guidance on the planning, design, and operation of county roadways to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists.

**Fee-in-Lieu:** a payment collected by Montgomery County as an alternative to meeting the requirements of county laws and policies.

**Growth and Infrastructure Policy:** The Adequate Public Facilities Ordinance for Montgomery County, which 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.

**Rough Proportionality:** When the amount or extent of an exaction or required improvements roughly corresponds to the impact of the proposed development on public services or infrastructure, or the demand on public services.

## **ATTACHMENT B: MASTER PLAN GUIDANCE**

The Bicycle Master Plan provides specific language accounting for smaller sites, fee-in-lieu payments and other impediments that would prevent the entirety or partial improvement of the final condition. The references to implementation of the Bicycle Master Plan are below and would need consideration by Staff as part of the evaluation for the frontage improvements and general conformance to the criteria established.

### **Bicycle Master Plan, Page 141:**

#### **Implementation Through Development Approvals**

For smaller development projects, constructing incremental bicycling improvements at the time of development is desirable as long as it does not result in unsafe conditions or severe environmental impacts. In cases where the Planning Department and MCDOT staff determine that the project is unsafe, the developer must pay a pro rata share of the proposed bikeway or protected intersections construction costs to an appropriate capital improvements project. To determine the amount of the contribution, the developer must prepare a concept plan (30 percent engineering design / horizontal alignment) for the proposed bikeway or protected intersection for approval by MCDOT on county roads and MDOT / SHA on state roads.

In addition, where staff determines that construction of a bikeway or protected intersection at the time of development is not desirable, the developer must facilitate future implementation of the bikeway or protected intersection by dedicating land or establishing other necessary easements to accommodate the future bikeway or protected intersection and ensuring that utilities, stormwater management facilities, streetscape improvements, landscaping and other features do not conflict with the future implementation of the permanent bikeway. For on-road striped bikeways, the developer must also construct shoulders that will be delineated with pavement markings. If the minimum right-of-way recommended in a master plan is insufficient to accommodate the bicycle improvement, additional dedication or easements will be required to implement the bicycle improvement.

The Montgomery County Department of Transportation and the Maryland State Highway Administration make the final decision in the design and implementation of bikeways through the development review process and capital improvements program.

### **Bicycle Master Plan, Page 143:**

#### **Payments In Lieu of Constructing Bikeway Implementation**

While the Bicycle Master Plan strongly recommends using the development approval approach discussed in the "Implementation through Development Approvals" section of the plan when determining what bikeways developers are required to construct as part

of their projects, there will be instances, as described in the sidebar below [Laying the Groundwork for Future Implementation of Bikeways], where the Planning Board determines that a development project, on a case-by-case basis, may not be required to follow this process. In those instances, the developer is required to make a financial contribution in lieu of constructing the sidewalk and / or bikeway to support the Planning Board's finding of safe, adequate and efficient site access and circulation.

**Bicycle Master Plan, Page 143:**

**Laying the Groundwork for Future Implementation of Bikeways**

The Montgomery County Planning Department and Department of Transportation may determine that it is not desirable to require a developer to fully implement a master-planned bikeway or protected intersection on the property's right-of-way frontage because there are no logical end points to do so. In this case the developer will be required to enable the future implementation of the bikeway or protected intersection by dedicating land to the future bikeway or establishing easements where the future bikeway or protected intersection will go. In addition, the developer will ensure utilities, streetscape improvements and landscaping do not conflict with the future construction of the bikeway or protected intersection. Utilities and major streetscape elements, such as trees, will be located in such a way as to avoid the need for removal and reconstruction when the bicycle facility is implemented. For striped bikeways, this preparation includes paving shoulders that will be later marked with bike lanes. The prioritized small area infrastructure plans described above will help facilitate this process and limit conflicts between proposed bicycle facilities and new development.