





MCPB
Item No. 8B
Date: 10/21/21

B. Reasonable Requirements for Offsite Improvements via Local Area Transportation Review

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Description

Briefing to receive Planning Board guidance on implementing the Growth and Infrastructure Policy Local Area Transportation Review.

Summary

- Identifies a reasonable process and methodology for determining off-site improvements required as part of Local Area Transportation Review.
- A glossary of terms is provided in Attachment A.

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SECTION 1: BACKGROUND

The County Growth Policy, now called the Growth and Infrastructure Policy (GIP) and previously called the Subdivision Staging Policy, is a set of policy tools that guide the timely delivery of public facilities (schools, transportation, water, sewer, and other infrastructure) to serve existing and future development. These policy tools are the guidelines for the administration of the County's Adequate Public Facilities Ordinance (APFO) and they are updated every four years by the County Council. The APFO directs the Montgomery County Planning Board to approve preliminary plans of subdivision, and other development applications or permits, only after finding that public facilities will be adequate to serve the subdivision or project.

The most recent quadrennial update to the growth policy was adopted through Council Resolution 19-655 on November 16, 2020, which created the GIP. In July 2021, the Planning Board approved the Local Area Transportation Review (LATR) Guidelines, which articulate a methodology for documenting and analyzing the anticipated impacts of proposed development on pedestrian, bicycling, bus transit and motor vehicle travel in the County. The criteria in the LATR Guidelines determine whether a development can satisfy the requirements for transportation adequacy or whether offsite improvements are required to achieve adequacy. The criteria include the following adequacy tests:

- Motor Vehicle System Adequacy, using the Highway Capacity Manual assessment.
- Pedestrian System Adequacy, using the Pedestrian Level of Comfort, Street Lighting, and ADA Compliance assessments.
- Bicycle System Adequacy, using the Bicycle Level of Traffic Stress assessment.
- Bus Transit System Adequacy, using the Bus Shelter Availability Assessment.

Attachment B includes a summary of the differences between the Planning Board Draft and Council adopted GIP focusing on those changes that are relevant to the discussion of the reasonableness of transportation improvements.

SECTION 2: INTENT AND PURPOSE

Since the Growth and Infrastructure Policy came into effect on January 1, 2021, several applicants and land use attorneys have expressed concern that the policy is likely to impose transportation improvement costs that are out of proportion to the impacts of an individual development project, especially for the pedestrian, bicycle and bus transit adequacy tests. Some have argued that a project should be required to provide mitigation in proportion to the number of trips per mode of transportation the site generates. With this perspective, if a site generates 100 motor vehicle trips and 0 pedestrian trips, the site would only be required to provide motor vehicle system improvements. Others have argued that the overall transportation improvements should be more proportional to the overall number of trips the project generates, or to the project size, regardless of what mode of transportation patrons use to access or egress from the site.

Planning Department staff agrees that the policy has the potential to require improvements that may not be proportional to the project impacts, especially for sites that generate a large number of peak-hour person trips. For example, where inadequate conditions are present, a 100,000 square foot office building in a Red policy area (for example, Downtown Silver Spring) that generates about 170 peak-hour person trips or a 200-space childcare center in an Orange policy area that generates about 180 peak-hour person trips could each be required to construct or pay a fee to the County for up to:

- 3,000 feet of sidewalks and crossings to a “Somewhat Comfortable” or “Very Comfortable” Pedestrian Level of Comfort score.
- 3,000 feet of street lighting upgraded to applicable standards.
- 750 feet of sidewalks to be compliant with the Americans with Disabilities Act.
- 750 feet of sidepaths, separated bike lanes, or trails to achieve a low Level of Traffic Stress.
- 2 bus transit shelters with realtime travel information displays and other amenities, along with safe, efficient, and accessible paths to the shelters.

The intent of this memorandum is to develop a method to ensure that transportation system requirements are not out of proportion with a project’s impact on the overall safety and functionality of the various modes of transportation. Staff is requesting guidance from the Planning Board on the approach detailed in the following section.

SECTION 3: AUTHORITY

The Growth and Infrastructure Policy delegates to the Planning Board the authority to develop the appropriate methodology for determining mitigation impacts in two places (see Attachment C).

First, page 1 of the GIP states that: “The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities...The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below.” Second, pages 12-13 of the GIP state that projects must construct a maximum amount of offsite improvements to satisfy the Pedestrian System Adequacy test, the Bicycle System Adequacy test and the Bus Transit System Adequacy test, but does not specify the extent of improvements that projects are required to construct. Accordingly, the Planning Board must determine the actual extent of improvements, and the Planning Board must devise a methodology that will ensure the GIP is reasonably applied within the legal limits of the County’s authority. Specifically:

- Pedestrian Level of Comfort: Table T4 (see below) specifies the “maximum span of improvement that the applicant must provide beyond the frontage.” As the note below the table states that “The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column,” applicants can be required to construct or improve between 1,000’ and 4,000’ (or 4 X 250’ and 4 X 1,000’) of sidewalks and crossings.
- Street Lighting: Table T4 specifies the “maximum span of streetlighting that the applicant must provide beyond the frontage.” As with Pedestrian Level of Comfort, the note below the table states that “The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column,” so applicants can be required to construct or improve between 1,000’ and 4,000’ of street lighting (or 4 X 250’ and 4 X 1,000’).
- ADA Compliance: Table T4 identifies the “maximum span of ADA improvements that the applicant must provide beyond the frontage.” Applicants can be required to construct or improve between 250’ and 1,000’ of sidewalks and ramps.

Table T4. Pedestrian Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Area Walkshed*	Yellow and Green Policy Area Walkshed*
50 – 99	400’	250’
100 – 199	750’	400’
200 – 349	900’	500’
350 or more	1,000’	600’

* The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column. The maximum span required for ADA improvements beyond the frontage is equal to the appropriate value in this column.

- Bicycle System Adequacy: Table T5 (see below) requires applicants to construct improvements “that create or extend LTS-2 conditions up to the specified distance from the site frontage.” Applicants can be required to construct between 250’ and 1,000’ of master-planned sidepaths, separated bike lanes or trails.

Table T5. Bicycle Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow and Green Policy Areas
50 – 99	400'	250'
100 – 199	750'	400'
200 – 349	900'	500'
350 or more	1,000'	600'

- Bus Transit System Adequacy: Table T6 (see below) states that applicants “must construct up to the number of shelters and amenities” identified. Applicants can be required to construct between one and four bus shelters with realtime information and other amenities. Applicants are also required to provide a safe, efficient, and accessible path to bus shelters, but this would likely overlap with the requirements for the Pedestrian System Adequacy test.

Table T6. Transit Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow Policy Areas
50 – 99	2 shelters within 500'	1 shelters within 500'
100 – 199	2 shelters within 1,000'	2 shelters within 1,000'
200 – 349	3 shelters within 1,300'	2 shelters within 1,300'
350 or more	4 shelters within 1,500'	3 shelters within 1,500'

SECTION 4: RECOMMENDED PROPORTIONALITY TEST

This memo proposes a two-step approach to ensuring that off-site transportation improvements are reasonable as they relate to a project's impact:

1. Calculate the Maximum Cost of Transportation Improvements for a project
2. Identify improvements to be made by the project

Step 1: Calculate the Maximum Cost of Transportation Improvements

The foundation of this approach is a recognition that the purpose of requiring transportation improvements has shifted from a focus on ensuring efficient motor vehicle operations during peak periods of congestion to one that is focused on the health, safety and welfare of people who walk, bicycle, take transit or drive during all hours of the day (including weekends, late night, midday, etc). As such, development projects are required to make improvements to all modes of transportation in proportion to their project's impact, not only on the efficiency and capacity of the roadways to handle motor vehicles, but also on the collateral and direct impact that these additional vehicles, as well as any additional pedestrians and bicyclists, will have on the safety, level of comfort and security of the surrounding non-auto modes of transportation. The analysis must consider the overall, health, safety and welfare of people who are walking, bicycling and taking transit in the vicinity, as well as those who are driving.

The Maximum Cost of Transportation Improvements to be made by a project will be equal to:

$$\text{\# of net new weekly person trips} \times \text{cost per weekly person trip} \times 90 \text{ percent}$$

Net new weekly person trips generated by a site will be the sum of daily and weekend trips calculated using the latest version of the ITE Trip Generation Manual (currently edition 11) or Planning Board-approved trip generation rates.

A set of **cost per weekly person trip** rates will be developed over the next month in conjunction with MCDOT (potentially different rates by policy area category). 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.¹ The cost will be inflated from the month and year of Planning Board approval to the month and year of building permit issuance.

The Maximum Cost of Transportation Improvements is reduced by 10 percent to account for engineering design costs that applicants will incur.

¹ See: https://www.enr.com/economics/historical_indices/construction_cost_index_history

Step 2: Identify Transportation Improvements to be Made by Development Project

Step 2 generates a list of transportation improvements that development projects will be required to make that is not to exceed the Maximum Cost of Transportation Improvements, calculated in Step 1.

Step 2a: To generate the list of transportation improvements, applicants are first required to conduct the adequacy tests included in the Growth and Infrastructure Policy (see Attachment C). These include:

- Motor Vehicle Adequacy, using the Highway Capacity Manual assessment.
- Pedestrian System Adequacy, using the Pedestrian Level of Comfort, Street Lighting, and ADA Compliance assessments.
- Bicycle System Adequacy, using the Bicycle Level of Traffic Stress assessment.
- Transit System Adequacy, using the Bus Shelter Availability Assessment.

Step 2b: After reviewing the results of the adequacy tests, Planning Department staff prioritizes transportation improvements based on where the greatest needs exist. For example, all things being equal, a sidewalk that is rated as “undesirable” (PLOC 4) would be prioritized for improvement over a sidewalk that is rated as “uncomfortable” (PLOC 3).

Step 2c: Applicants develop and submit 30 percent engineering design / horizontal alignment plans for a package of transportation improvements to MCDOT, based on the Planning Department’s prioritization. Applicants will use their judgment to develop a package of transportation improvements whose costs are close to the Maximum Cost of Transportation Improvements.

Step 2d: MCDOT will review the package of transportation improvements and verify their cost using the SHA Cost Calculating Manual, the MDOT Cost Estimating Tool for Bicycle Infrastructure, or another similar approach.² If the verified project cost exceeds the Maximum Cost of Transportation Improvements, Planning Department and MCDOT staff will direct the applicant to remove one of the projects and pay a fee-in-lieu for the difference between the Maximum Cost of Transportation Improvements and the estimated project costs.³ Alternatively, if funds are available via the Subdivision Roads Participation or some other capital project, MCDOT could pay the difference so that the more expensive, higher priority project can be built. In practice, this will require coordination among the applicant, Planning Department staff and MCDOT staff.

² In the long term, a cost estimation tool should be provided to applicants to eliminate some of the back-and-forth in developing the package of transportation improvements.

³ Since costs grow over time due to inflation, the payment an applicant makes will be inflated using the Engineering News-Record (ENR) Cost Construction index. The cost will be inflated from the month and year of Planning Board approval to the month and year of building permit issuance.

SECTION 5: NEXT STEPS

This is the first step in the process of evaluating proportionality for the Growth and Infrastructure Policy. This briefing will be followed by a month of stakeholder meetings to discuss guidance from 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 ensure Local Area Transportation Review mitigation is applied proportionately. 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 revisions to the Local Area Transportation Review Guidelines. In addition to these issues of proportionality, staff will prepare additional updates to the guidelines, including clarification on how to conduct the street lighting element of the LATR.

Additionally, staff will work with MCDOT to:

1. Select an interim cost estimation procedure for transportation improvement costs.
2. Develop a permanent cost estimation tool for transportation improvement costs specific to Montgomery County.
3. Develop a set of cost per weekly person trip rates.

Planning Department staff will also brief Council staff on the changes.

Attachment A: Glossary of Terms

Attachment B: Comparison of Council-Adopted Growth Policy to Planning Board Draft

Attachment C: Excerpts from the Growth and Infrastructure Policy

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: COMPARISON OF COUNCIL-ADOPTED GROWTH POLICY TO PLANNING BOARD DRAFT

While the Council-adopted growth policy retains the four modal adequacy tests proposed by the Planning Board (Motor Vehicle System Adequacy, Pedestrian System Adequacy, Bicycle System Adequacy and Bus Transit System Adequacy), there are a number of differences related to the maximum potential improvements compared to what the Planning Board had recommend. These are summarized below at a high level.

Pedestrian System Adequacy

1. Pedestrian Level of Comfort: Construct pedestrian improvements to achieve a “Somewhat Comfortable” or “Very Comfortable” PLOC score on streets and intersections for roads classified as Primary Residential or higher (excluding Controlled Major Highways and Freeways, and their ramps) up to the length identified in Table 1.

Table 1: Maximum Potential Pedestrian Level of Comfort Improvements

Peak-Hour Person Trips	Planning Board Draft	Council Adopted GIP	
	All Policy Area	Red / Orange Policy Areas	Yellow / Green Policy Areas
50 – 99	(*)	1,600 ft	1,000 ft
100 – 199		3,000 ft	1,600 ft
200 – 349		3,600 ft	2,000 ft
350 or more		4,000 ft	2,400 ft

(*) Until Planning Board approval of the Pedestrian Level of Comfort map, ensure LOS D for crosswalk pedestrian delay (or no more delay than existing) at LATR study intersections within 500 feet of site boundaries or within a Road Code Urban Area/Bicycle Pedestrian Priority Area.

2. Street Lighting: Upgrade street lighting to applicable standards within the span identified in Table 2.

Table 2: Maximum Potential Span of Street Lighting Improvements

Peak-Hour Person Trips	Planning Board Draft	Council Adopted GIP	
	All Policy Areas	Red / Orange Policy Areas	Yellow / Green Policy Areas
50 – 99	n/a	1,600 ft	1,000 ft
100 – 199		3,000 ft	1,600 ft
200 – 349		3,600 ft	2,000 ft
350 or more		4,000 ft	2,400 ft

3. ADA Compliance: Fix Americans with Disabilities Act (ADA) noncompliance issues within the applicable walkshed distance from the site frontage identified in Table 3.

Table 3: Maximum Potential Span of ADA Compliance Improvements

	Planning Board Draft	Council Adopted GIP	
Peak-Hour Person Trips	All Policy Areas	Red / Orange Policy Areas	Yellow / Green Policy Areas
50 – 99	500 ft	400 ft	250 ft
100 – 199		750 ft	400 ft
200 – 349		900 ft	500 ft
350 or more		1,000 ft	600 ft

Bicycle System Adequacy

Level of Traffic Stress: Construct master-planned bikeways to ensure a low Level of Traffic Stress (LTS-2) up to the distance identified in Table 4.

Table 4: Maximum Potential Length of Bicycle Level of Traffic Stress Improvements

	Planning Board Draft	Council Approved GIP	
Peak-Hour Person Trips	All Policy Areas	Red / Orange Policy Areas	Yellow / Green Policy Areas
50 – 99	375 ft	400 ft	250 ft
100 – 199	750 ft	750 ft	400 ft
200 – 349	750 ft	900 ft	500 ft
350 or more	750 ft	1,000 ft	600 ft

Bus Transit System Adequacy

The adequacy test proposed by the Planning Board Draft focused on reducing excessive crowding on buses within a certain distance of the site. The adequacy test adopted by the Council requires implementing bus shelters outfitted with realtime travel information displays and other standard amenities, along with a safe, efficient, and accessible path between the site and a bus stop. The amount of improvements required to be made are shown in Table 5.

Table 5: Potential Extent of Bus Transit System Adequacy Improvements

Peak-Hour Person Trips	Planning Board Draft	Council Adopted GIP	
	All Policy Areas	Red / Orange Policy Areas	Yellow Policy Areas
50 – 99	Address LOS D peak loads w/in 500 ft	2 shelters w/in 500 ft	1 shelter w/in 500 ft
100 – 199	Address LOS D peak loads w/in 1,000 ft	2 shelters w/in 1,000 ft	2 shelters w/in 1,000 ft
200 – 349	Address LOS D peak loads w/in 1,000 ft	3 shelters w/in 1,300 ft	3 shelters w/in 1,300 ft
350 or more	Address LOS D peak loads w/in 1,000 ft	4 shelters w/in 1,500 ft	3 shelters w/in 1,500 ft

Attachment C: Excerpts from the Growth and Infrastructure Policy

2020-2024 Growth and Infrastructure Policy

Legislative history:

- Adopted through [Council Resolution 19-655](#) on November 16, 2020

Applicability; transition

AP1 Effective dates

This resolution takes effect on January 1, 2021 and applies to any application for a preliminary plan of subdivision filed on or after that date.

AP2 Transition

For any complete application for subdivision approval submitted before January 1, 2021 or any preliminary plan application filed prior to February 26, 2021 that includes at least 25% affordable units as defined in Sections 52-41(g)(1) through 52-41(g)(4) or 52-54(d)(1) through 52-54(d)(4) of the County code, the rules of the 2016-2020 Subdivision Staging Policy continue to apply, unless an applicant elects to be reviewed under the 2020-2024 Growth and Infrastructure Policy for schools (Sections S-1 through S-6) and the 2016-2020 Subdivision Staging Policy for transportation.

Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Chapter 8 Article IV (“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 and Infrastructure Policy/Subdivision Staging Policy (“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 Policy are based primarily on the public facilities in the approved FY 2021-26 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY 2020-25 Consolidated Transportation Program (CTP). The Council also reviewed related County and State and Federal 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

TL2.3 Pedestrian System Adequacy

The Pedestrian System Adequacy Test consists of three components:

1. **Pedestrian Level of Comfort (PLOC).** Pedestrian system adequacy is defined as providing a “Somewhat Comfortable” or “Very Comfortable” PLOC score on streets and intersections for roads classified as Primary Residential or higher (excluding Controlled Major Highways and Freeways, and their ramps),¹ within a certain walkshed from the site frontage, specified in Table T4. The table also identifies the maximum span of improvement that the applicant must provide beyond the frontage. Specific improvements to be constructed should be identified in consultation with Montgomery Planning and MCDOT.
2. **Street Lighting.** The applicant must evaluate existing street lighting based on MCDOT standards along roadways or paths from the development to destinations within a certain walkshed from the site frontage, specified in Table T4. The table also identifies the maximum span of streetlighting that the applicant must provide beyond the frontage. Where standards are not met, the developer must upgrade the street lighting to meet the applicable standards.
3. **ADA Compliance.** The applicant must fix Americans with Disabilities Act (ADA) noncompliance issues within a certain walkshed from the site frontage equivalent to half the walkshed specified in Table T4. The table also identifies the maximum span of ADA improvements that the applicant must provide beyond the frontage.

Table T4. Pedestrian Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Area Walkshed*	Yellow and Green Policy Area Walkshed*
50 – 99	400'	250'
100 – 199	750'	400'
200 – 349	900'	500'
350 or more	1,000'	600'

* The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column. The maximum span required for ADA improvements beyond the frontage is equal to the appropriate value in this column.

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of these requirements may not be practicable due to unattainable right-of-way, an existing CIP project, other operational conditions outside the applicant’s control, or otherwise not considered practicable by the Planning Board and MCDOT, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT’s estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other pedestrian system 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.

¹ Or the equivalent classifications in the Complete Streets Design Guidelines, when approved by the County Council.

TL2.4 Bicycle System Adequacy

Bicycle system adequacy is defined as providing a low Level of Traffic Stress (LTS-2) for bicyclists. Bicycle system analysis will be based on the following standards and scoping:

For any site generating at least 50 peak-hour person trips, conduct an analysis of existing and programmed conditions to ensure low Level of Traffic Stress (LTS-2) conditions on all transportation rights-of-way within a certain distance of the site frontage, specified in Table T5. If current and programmed connections will not create adequate conditions, the applicant must construct sidepaths, separated bike lanes, or trails, consistent with the Bicycle Master Plan, that create or extend LTS-2 conditions up to the specified distance from the site frontage.

Table T5. Bicycle Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow and Green Policy Areas
50 – 99	400'	250'
100 – 199	750'	400'
200 – 349	900'	500'
350 or more	1,000'	600'

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of-way, or an existing CIP project, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT's estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other LTS-1 or LTS-2 bicycle system 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.

TL2.5 Bus Transit System Adequacy

For any site generating at least 50 peak-hour person trips in Red, Orange, and Yellow policy areas, conduct an analysis of existing and programmed conditions to ensure that there are bus shelters outfitted with realtime travel information displays and other standard amenities, along with a safe, efficient, and accessible path between the site and a bus stop, at a certain number of bus stops within a certain distance of the site frontage, specified in Table T6. Where shelters and associated amenities are not provided, an applicant must construct up to the number of shelters and amenities specified in Table T6.

Table T6. Transit Adequacy Test Scoping

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow Policy Areas
50 – 99	2 shelters within 500'	1 shelters within 500'
100 – 199	2 shelters within 1,000'	2 shelters within 1,000'
200 – 349	3 shelters within 1,300'	2 shelters within 1,300'
350 or more	4 shelters within 1,500'	3 shelters within 1,500'

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of way, or an existing CIP project, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT's estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other bus shelters with the same amenities and improvements to pedestrian access to and from bus stops, such as improved paved connections, crossings, and lighting. These funds must be spent on such 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.

TL2.6 Temporary Suspension for Bioscience Facilities

The Local Area Transportation Review (section TL2) requirements of the Subdivision Staging Policy must not apply to a development or a portion of a development where:

- (a) the primary use is for bioscience facilities, as defined in Section 52-39 of the County Code; and
- (b) an application for preliminary plan, site plan, or building permit that would otherwise require a finding of Adequate Public Facilities is approved after January 1, 2021 and before January 1, 2025; and
- (c) an application for building permit is filed within 3 years after the approval of any required preliminary plan or site plan.

TL3 LATR Vision Zero Statement

All LATR studies for a site that will generate 50 or more peak-hour person trips must develop a Vision Zero Statement. This statement must assess and propose solutions to high injury network and safety issues, review traffic speeds, and describe in detail how safe site access will be provided. With concurrence of the responsible agency, projects must implement or contribute to the implementation of safety countermeasures. The County Council may adopt predictive safety analysis as part of this statement, when available.

TL4 Additional LATR Standards and Procedures

In administering Local Area Transportation Review, the Planning Board must not approve a subdivision if it finds that inadequate travel conditions 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 the impacts of either:

- a sufficient number of trips to bring the inadequate travel conditions to a level of adequacy, or
- a number of trips attributable to the development.