

Clerk's note: The effective date has been corrected to July 1, 2026.

Bill No. 24-25
Concerning: Transportation Demand Management - Repeal
Revised: 1/20/2026 Draft No. 4
Introduced: June 17, 2025
Enacted: January 20, 2026
Executive: Returned unsigned
Effective: July 1, 2026
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2026

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice President Balcombe, Councilmember Glass, and then-Council President Stewart

Co-Sponsors: Former Councilmember Albornoz and Councilmember Sayles

AN ACT to:

- (1) repeal Article II of Chapter 42A of the Montgomery County Code;
- (2) expand the functions of the Department of Transportation; and
- (3) amend the law governing transportation demand management in the County.

By amending

Montgomery County Code
Chapter 2, Administration.
Division 10, Department of Transportation.
Section 2-55. Functions.

By repealing

Montgomery County Code
Chapter 42A, Ridesharing and Transportation Management
Article II
Sections 42A-21;42A-22; 42A-23; 42A-24, 42A-25, 42A-26, 42A-27, 42A-28, 42A-29, 42A-30, 42A-31, and 42A-32

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<u>[Single boldface brackets]</u>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<u>[[Double boldface brackets]]</u>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 2-55 is amended and Article II of Chapter 42A (Sections 21;42A-22; 42A-23; 42A-24, 42A-25, 42A-26, 42A-27, 42A-28, 42A-29, 30, 42A-31, and 42A-32) is repealed, as follows:

2-55. Functions.

The Department of Transportation must:

* * *

(e) perform all public [[transit]] transportation engineering and operational functions, including:

(1) mass transit;

(2) bus service;

(3) taxicabs;

(4) commuter rail service;

(5) limousine service;

(6) airparks, landing fields, and related functions; and

(7) transportation demand management, including:

(A) programs;

(B) approval, management, or amendment of new and existing:

(i) traffic mitigation agreements;

(ii) transportation demand management plans; and

(iii) other plans related to transportation demand

management required under Chapter 50 or Chapter 59;

59;

* * *

Chapter 42A. RIDESHARING [AND TRANSPORTATION MANAGEMENT].

* * *

28 **Article II. [TRANSPORTATION DEMAND MANAGEMENT.]**29 **Reserved.**30 **45A-21. [Definitions.] Reserved.**

31 [In this Article, unless the context indicates otherwise:

32 *Alternative work hours program* means any system that shifts the workday of
33 an employee so that the workday starts or ends outside of a peak period,
34 including:35 (1) compressed workweeks;
36 (2) staggered work hours involving a shift in the set work hours of an
37 employee at the workplace; or
38 (3) flexible work hours involving individually determined work hours under
39 guidelines established by the employer.40 *Bundling of parking* means a requirement by the seller or lessor that a
41 prospective purchaser or tenant purchase or lease a minimum number of
42 parking spaces in the facility as a precondition to buying or leasing space or
43 renewing a lease in a commercial or residential building. Bundling of parking
44 does not include:45 (1) the provision of parking spaces as a component of a sale or lease when
46 voluntarily requested by a prospective purchaser or lessee; or
47 (2) a parking space physically integrated with an individual leasable or
48 sales unit if the parking space is dedicated to that unit and can be
49 directly accessed through that unit such that only occupants of that unit
50 are able to use the space or spaces.51 *Carpool* means a motor vehicle occupied by 2 or more employees traveling
52 together.53 *Commute* means a home-to-work or work-to-home trip. A commute may have
54 brief intervening stops, but the primary purpose must be travel between work

55 and home

56 *Date of final occupancy* means the earlier of:

57 (1) the date on which 80 percent of a building or project has been leased or
58 sold; or

59 (2) two years after the first final use and occupancy certificate has been
60 issued.

61 *Department* means the Department of Transportation.

62 *Director* means the Director of the Department of Transportation or the
63 Director's designee.

64 *District* means a transportation management district created under this
65 Article.

66 *Employee* means a person hired by an employer, including a part-time or
67 seasonal worker or a contractor, reporting to or assigned to work on a regular
68 basis at a specific workplace controlled by that business or organization,
69 including a teleworker.

70 *Employer* means any business or government entity, including the County,
71 employing 25 or more employees including contractors assigned to a worksite.

72 Employer does not include:

73 (1) a home-based business;

74 (2) a business with no employees housed at that work site; or

75 (3) any government agency not required by law to follow County
76 regulations.

77 *Growth and Infrastructure Policy* means the most recent policy adopted under
78 Section 33A-15.

79 *NADMS goal* means the specific NADMS percentage goal for peak period
80 commuters in a District or a Policy Area that has been established through a
81 Master Plan, through the Growth and Infrastructure Policy, or through

82 regulation.

83 *Non-Auto Driver Mode Share or NADMS* means the percent of commuters
84 who travel by modes other than driving an automobile. NADMS includes
85 commuters who travel by transit, vanpool, biking, walking, or connecting to
86 the workplace electronically. NADMS does not include carpool or vanpool
87 drivers, but it does include carpool and vanpool passengers.

88 *Peak period* means the hours of highest transportation use each workday, as
89 defined in the resolution creating a District, as established in the Growth and
90 Infrastructure Policy or established through a technical study.

91 *Planning Board* means the Montgomery County Planning Board of the
92 Maryland-National Capital Park and Planning Commission.

93 *Policy Area* means a Transportation Policy Area adopted by the County
94 Council through the Growth and Infrastructure Policy.

95 *Project-based TDM Plan* means a TDM plan for a new development project.

96 *Resident* means an adult domiciled in the relevant area.

97 *Single-occupancy vehicle* means a motor vehicle occupied by one employee
98 for commuting purposes, other than a two-wheeled vehicle.

99 *Telework* means a work arrangement where a manager directs or permits an
100 employee to perform usual job duties away from the central workplace in
101 accordance with established performance expectations and agency-approved
102 or agreed-upon terms.

103 *Traffic Mitigation Plan or TMP* means a set of strategies designed to
104 implement TDM at an existing commercial or residential building or by an
105 employer in an existing building.

106 *Transportation demand management or TDM* means any method of reducing
107 demand for road capacity, especially during a peak period, including an
108 alternative work hours program, carpools, vanpools, subsidized transit passes,

109 preferential parking for carpools or vanpools, improved bicycle and
110 pedestrian access and safety, public transportation, and a parking charge, or
111 other parking management strategies.

112 *Transportation Demand Management Plan or TDM Plan* means a set of
113 strategies designed to implement TDM for a new or existing building, a new
114 or existing development project, or an employer.

115 *Transportation management organization* means a public, nonprofit private,
116 or public-private firm, corporation, or instrumentality created or contracted to
117 manage or coordinate transportation demand management programs.

118 *Vanpool* means a vehicle that has the capacity for 6 or more passengers in
119 addition to the driver if:

- 120 (1) passengers occupy 50% or more of the seats at any point during the trip;
121 and
- 122 (2) the vehicle is used to transport employees between their residences,
123 designated locations, and their place of employment for 80% or more
124 of the miles the vehicle is driven.

125 *Workplace* means the place of employment, base of operations, or
126 predominant location of an employee.]

127 **42A-22. [Findings and purposes.] Reserved.**

- 128 (a) New economic development is important to stimulate the local
129 economy. Focusing new development in high transit-service areas is an
130 important County land use and economic development objective.
- 131 (b) Limited transportation infrastructure, traffic congestion, inadequate
132 access to transit, bicycle and pedestrian facilities, and safety issues
133 impede the County's land use and economic development objectives.
- 134 (c) Transportation demand management, in conjunction with adequate
135 transportation facility review, planned capital improvement projects,

136 and parking and traffic control measures, will:

- 137 (1) help provide sufficient transportation capacity to achieve
138 County land use objectives and permit further economic
139 development;
- 140 (2) reduce the demand for road capacity, promote safety for
141 all users of transportation infrastructure, and improve
142 access to transit, bicycle and pedestrian facilities; and
- 143 (3) help reduce vehicular emissions, energy consumption, and
144 noise levels, and help address climate change.

145 (d) Improved traffic levels and air quality, and a reduction in ambient noise
146 levels will help create attractive and convenient places to live, work,
147 visit, and conduct business.

148 (e) Transportation demand management will equitably allocate
149 responsibility for reducing single-occupancy vehicle trips among
150 government, developers, employers, property owners, tenants, and the
151 public.

152 (f) Transportation demand management should be consistent with any
153 commuting goals set in the Growth and Infrastructure Policy, Master
154 Plans, and Sector Plans. TDM should foster coordinated and
155 comprehensive government, private industry, and public action to:
156 (1) make efficient use of existing transportation infrastructure;
157 (2) increase transportation capacity as measured by numbers of
158 people transported;
159 (3) reduce existing and future levels of traffic congestion by moving
160 more people in fewer vehicles;
161 (4) reduce air and noise pollution, and address climate change; and
162 (5) promote traffic safety together with transit, pedestrian and

163 bicycle safety and access for all users.

164 (g) Transportation demand management will substantially advance public
165 policy objectives. Adoption of this Article is in the best interest of the
166 public health, safety, and general welfare of the County.]

167 42A-23. [Districts; authority of the Department and Planning Board.]

Reserved.

169 I(a) The County Council by resolution may create a transportation
170 management district (TMD) in Red, Orange, or Yellow Policy Areas as
171 defined in the Growth and Infrastructure Policy. A district may be
172 formed from all, or portions of, one or more Policy areas, even if they
173 are not contiguous.

174 (b) The Department may take actions necessary to achieve effective
175 transportation demand management in each District, on its own or by
176 contract with any employer, transportation management organization,
177 or other party, including:

178 (1) controlling the use of or limiting public parking, by regulation
179 adopted under method (2);

180 (2) prohibiting bundling of parking in new developments:

181 (3) monitoring and assessing traffic patterns and pedestrian access
182 and safety:

183 (4) adopting traffic and parking control measures;

184 (5) providing transit, shuttles, circulator services, or other
185 transportation services;

186 (6) implementing approved transportation-related capital projects;

187 (7) promoting, implementing, and improving existing transit and
188 ridesharing incentives;

189 (8) promoting regional cooperation between the County and other

190 government agencies;

191 (9) creating cooperative County-private sector programs to increase
192 ridesharing and transit use; and

193 (10) conducting surveys, studies, and statistical analyses to determine
194 the effectiveness of and improvements needed to advance
195 transportation demand management plans and employer and
196 building owner efforts.

197 (c) In each District, sole source contracts may be signed with, or funds
198 granted to, one or more transportation management organizations to
199 carry out transportation demand management programs that the
200 Department could otherwise carry out, under Chapter 11B.

201 (d) The Department and the Planning Board may, in accordance with this
202 Article and other applicable law, jointly or separately impose
203 transportation demand management measures as conditions on the
204 Board's approval of development in any District.

205 (e) Each District may have a Transportation Management District
206 Advisory Committee if the Executive by regulation decides a
207 Committee is necessary to carry out this Article or if the Council creates
208 a Committee by resolution. The Executive or Council may designate
209 any existing advisory body appointed by the Executive and confirmed
210 by the Council to serve as a Transportation Management District
211 Advisory Committee. The Executive must appoint and the Council
212 must confirm members of any Advisory Committee. The County must
213 not compensate members of an Advisory Committee for their services.
214 Advisory Committee members, not otherwise public employees as
215 defined in Chapter 19A, are not subject to the financial disclosure
216 provisions of that Chapter.]

217 **42A-24. [Transportation Demand Management Plans for Employers.]**218 **Reserved.**219 **(a) *Transportation Demand Management (TDM) Plan for an Individual***
220 ***Employer.***221 (1) The Director must require an employer subject to this Section to
222 submit a TDM Plan meeting the requirements of this Section.223 (2) Upon written request from the Director, an employer must provide
224 the Director with the number of full-time and part-time employees
225 working for that organization by workplace in each Policy Area
226 or District.227 (3) An employer must submit a TDM Plan to the Director if:
228 (A) the employer is in a Red Policy Area under the Growth and
229 Infrastructure Policy and has 25 or more employees
230 reporting to or assigned to that workplace;231 (B) the employer is in an Orange Policy Area under the
232 Growth and Infrastructure Policy and has 100 or more
233 employees reporting to or assigned to that workplace;234 (C) the employer is in a Yellow Policy Area under the Growth
235 and Infrastructure Policy and has 200 or more employees
236 reporting to or assigned to that workplace; or237 (D) the employer is in one of the following Districts and has
238 25 or more employees reporting to or assigned to a
239 workplace:

240 Silver Spring TMD;

241 Friendship Heights TMD

242 Bethesda TMD

243 North Bethesda TMD

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Greater Shady Grove TMD

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(4) The TDM Plan must be consistent with and contribute to the achievement of any NADMS Goal or other commuting goals set in the Growth and Infrastructure Policy, Master Plans, Sector Plans, and any individual project-based goals or goals established in the regulations implementing this Article. The TDM Plan must include strategies required by regulation and other strategies selected by the employer from those permitted by regulation or proposed by the employer and approved by the Director. A TDM Plan may include an alternative work hours program, carpool or vanpool incentives, subsidized transit passes, preferential parking for carpools and vanpools, parking management strategies, peak period or single-occupancy vehicle parking charges, improved transit, bicycle and pedestrian access and safety, telework, and other transportation demand management measures approved by the Director.

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(5) Each employer must submit its TDM Plan within 90 days after receiving written notice from the Director that it is required. The Director may extend an employer's time to file a TDM Plan for good cause.

(b) *Consolidated Employer Transportation Demand Management Plans.*

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(1) An employer may submit a consolidated TDM Plan with other employers in the same building or building complex. An owner of a nonresidential building in a District may submit a consolidated TDM Plan on behalf of one or more employers in the building.

(2) A consolidated plan must be designed so that the action it requires satisfies this Section for employers covered by the plan and

complies with the regulations implementing this Section.

- (c) Actions and assistance to be provided. The Director must:
 - (1) offer to help employers prepare TDM Plans;
 - (2) decide if each proposed plan meets the requirements of this Section; and
 - (3) help an employer revise a plan that the Director determines does not meet the requirements of this Section.
- (d) Resubmission of TDM Plan. The Director may require an employer to resubmit a plan that the Director finds inadequate to achieve any Non-Auto Driver Mode Share goals or other commuting goals. Once a plan has been approved, the Director must not require an employer to submit a revised plan that meets the requirements of this Section more than once every two years.
- (e) Annual TDM Plan report. An employer must submit a report on strategies used to implement a TDM Plan, including progress achieved under that plan, to the transportation management organization and the Director on a schedule established by the Director.
- (f) Transportation Demand Management Plan for the Montgomery County Government.
 - (1) The Director of the Office of Human Resources, after consulting with the Director of Transportation, must submit a TDM Plan for County employees to the Chief Administrative Officer with a copy to the Council.
 - (2) The TDM Plan must include incentives, policies, or outreach needed to increase the number of County employees commuting to work through modes other than driving an automobile.]

42A-25. [Transportation Demand Management Plans for Existing Buildings.]

298 **Reserved.**

299 [(a) *Transportation Demand Management (TDM) Plans for Existing Non-*
300 *residential Buildings.*

301 (1) The Director may require an owner of a nonresidential building
302 in a District to submit a TDM Plan if:

303 (A) the Director finds that a plan is necessary to achieve the
304 purpose of this Article; and

305 (B) the building is not subject to either a traffic mitigation
306 agreement currently in effect or a Project-based TDM Plan
307 under Section 42A-26.

308 (2) If an existing non-residential building is subject to this Section,
309 the Director must notify the building owner that a TDM plan
310 meeting the requirements of this Section must be submitted. As
311 specified in the notice, the owner's plan may cover all or some
312 employers in the building. A plan submitted under this
313 subsection may be in addition to one an individual employer
314 must submit.

315 (3) After receiving notice under this Section, an owner must submit
316 a TDM Plan meeting the requirements established in the
317 Executive Regulations for approval by the Director.

318 (b) *Transportation Demand Management (TDM) Plans for Existing Multi-*
319 *Unit Residential Buildings.*

320 (1) The Director may require an owner of a residential building or
321 complex with at least 100 dwelling units in a District, including
322 a common ownership community as defined in Chapter 10B, to
323 submit a TDM Plan if:

324 (A) the Director finds that a plan is necessary to achieve the

purpose of this Article; and

(B) the building is not subject to either a traffic mitigation agreement currently in effect or to a Project-based TDM Plan under Section 42A-26.

(2) If an existing multi-unit residential building is subject to this Section, the Director must notify the building owner(s) that a TDM Plan meeting the requirements of this Section must be submitted.

(3) After receiving notice under this Section, the owner(s) must submit a TDM Plan that meets the requirements established in the Executive Regulations for approval by the Director.

(c) *Actions and assistance to be provided.* The Director must:

(1) offer to help building owners prepare TDM Plans;

(2) decide if each proposed plan meets the requirements of this Section; and

(3) help the building owner(s) revise a plan which does not meet the requirements.

(d) *Resubmission of TDM Plan.* The Director may require a building owner to resubmit a plan that the Director finds inadequate to achieve any Non-Auto Driver Mode Share goals or other commuting goals. Once a plan has been approved, the Director must not require a building owner to submit a revised plan that meets the requirements of this Section more than once every two years.

(e) *Annual TDM Plan report.* A building owner must submit a report on strategies used to implement a TDM Plan, and progress on achievement of goals under that plan, to the transportation management organization and the Department based on a schedule established by the

352 Director.]

353 **42A-26. [Transportation Demand Management Plans for New Development**
354 **Projects (Project-based TDM Plans).] Reserved.**

355 [(a) *Applicability.* This Section applies to any owner or applicant for a new
356 development or construction project that submits an application for a
357 proposed subdivision or optional method development, site plan,
358 conditional use or building permit in a District, but excluding any
359 project consisting solely of single family detached housing,
360 townhouses, or a mixture of both. All such applicants must obtain
361 approval from the Department for a Project-based Transportation
362 Demand Management (TDM) Plan. This approval must be obtained
363 prior to the issuance of any building permit by the Department of
364 Permitting Services. Projects subject to this Section include
365 developments:

366 (1) in a Red, Orange or Yellow Growth and Infrastructure Policy
367 Area and larger than the minimum sizes shown in subsection (b);
368 (2) that do not have a fully-executed traffic mitigation agreement in
369 effect; and
370 (3) where the Department decides, under standards adopted by the
371 Council for the adequacy of transportation, including Non-Auto
372 Driver Mode Share goals and other commuting goals adopted in
373 Master Plans, Sector Plans and the Growth and Infrastructure
374 Policy, that more transportation facilities or transportation
375 demand management measures are necessary to meet the
376 County's commuting goals.

377 (b) *Levels of Project-based TDM Plans.* An owner or applicant for a new
378 development or construction project may be required to submit a Level

379 1 TDM Basic Plan, a Level 2 TDM Action Plan, or a Level 3 TDM
380 Results Plan based on the size and location of the project as follows:

381 (1) An owner or applicant for a project located in a Red Policy Area
382 under the Growth and Infrastructure Policy must:

383 (A) submit a Level 1 TDM Basic Plan for a project with less
384 than or equal to 40,000 gross square feet; and

385 (B) submit a Level 3 TDM Results Plan for a project with
386 more than 40,000 gross square feet;

387 (2) An owner or applicant for a project located in an Orange Policy
388 Area under the Growth and Infrastructure Policy must:

389 (A) submit a Level 1 TDM Basic Plan 493 for a project with
390 at least 40,000 gross square feet, but less than or equal to
391 80,000 gross square feet;

392 (B) submit a Level 2 TDM Action Plan for a project with more
393 than 80,000 gross square feet, but less than or equal to
394 160,000 gross square feet; and

395 (C) submit a Level 3 TDM Results Plan for a project with
396 more than 160,000 gross square feet;

397 (3) An owner or applicant for a project located in a Yellow Policy
398 Area under the Growth and Infrastructure Policy must:

399 (A) submit a Level 1 TDM Basic Plan for a project with at
400 least 60,000 gross square feet, but less than or equal to
401 150,000 gross square feet; and

402 (B) submit a Level 2 TDM Action Plan for a project with more
403 than 150,000 gross square feet.

404 (4) If an adopted Master Plan or Sector Plan requires a higher Level
405 of Project-based TDM Plan, those Master Plan or Sector Plan

406 requirements override those described in paragraphs (1), (2), or
407 (3).

408 (5) An owner or applicant for a project with a gross square feet size
409 disproportionate to its impact on traffic (e.g., large floor area
410 warehouses with lower impacts; small floor area food or
411 beverage establishments with higher impacts) may be required to
412 adhere to a Project-based TDM Plan Level that is either lower or
413 higher than otherwise required by its size and location, in
414 accordance with the development approval and consistent with
415 the Executive Regulation implementing this Article.

416 (c) *Components of Project-based TDM Plans.* The components of each
417 Project-based TDM Plan Level are described in detail in the Executive
418 Regulation adopted to implement these provisions. Each plan must
419 include the components listed below and in the Executive Regulation.
420 The plan must be submitted by the owner or applicant and approved by
421 the Department. Any owner or applicant may choose to comply with
422 the requirements for a higher Level of Project-based TDM Plan.

423 (1) Level One: A Project-based TDM Basic Plan is not required to
424 include specific project-based strategies other than providing
425 information, but must implement County-led strategies at the
426 Project and must include:

427 (A) Appointment of a Transportation Coordinator and
428 Commitment to Cooperate with the Department's
429 Programs. Each owner of a project must designate an
430 individual responsible to assist and cooperate with the
431 Department's efforts to achieve the Non-Auto Driver
432 Mode Share goals and other traffic mitigation and

commuting goals. This assistance must include distribution of information on commuting options to the on-site population; coordinating with the Department to conduct on-site commuting-related outreach events; ensuring participation in commuter surveys by the on-site population; attending occasional training sessions for Transportation Coordinators; and other duties included in the Executive Regulation.

- (B) *Notification.* Each owner of a project is required to notify the Department in writing within 30 days of receipt of final Use and Occupancy certificate from the Department of Permitting Services of the designated Coordinator's contact information; and within 30 days of any subsequent change in that designation or contact information.
- (C) *Access to the Project.* Each owner must provide space on-site by prior arrangement with the Department to allow the Department to promote TDM, including participation in commuter surveys. Such space need not be exclusively for this purpose but must be suitable for this purpose, as determined by the Department.
- (D) *TDM Information.* Displays of TDM-related information must be placed in a location visible to employees, residents, and other project users.

(2) Level Two: A Project-based TDM Action Plan requires a commitment to take specific actions by the owner or applicant to achieve a base Non-Auto Driver Mode Share that is 5% higher than the District's NADMS goal to help the County achieve

460 district-wide commuting goals. The Director may establish a
461 project NADMS goal that is up to 5% higher or 5% lower than
462 the base NADMS goal in Red Policy Areas and up to 10% higher
463 or 10% lower than the base NADMS goal in Orange and Yellow
464 Policy Areas. The plan must include project-based strategies and
465 demonstrate over time that the adopted strategies are contributing
466 toward achievement of the commuting goals, in compliance with
467 the Executive Regulation. A project must be considered to be
468 contributing toward achievement of the district's commuting
469 goals if the biennial surveys of building occupants demonstrate
470 increased on-site Non-Auto Driver Mode Share, or a measurable
471 improvement in an alternative Department-approved metric, if
472 applicable, in proportion to the level necessary to achieve the
473 project's goal by the date established in the project's TDM plan.
474 Once the NADMS goal or other commuting goals have been
475 achieved, the owner must maintain the level necessary to
476 continue achieving the goals. A Project-based TDM Action Plan
477 must include the Project-based TDM Basic Plan components and
478 the following:

479 (A) *Selection of Strategies.* The owner or applicant must
480 propose a Project-based TDM Plan that includes required
481 strategies and selected optional strategies. Additional
482 strategies may be proposed by the owner or applicant and
483 may be included in the Project-based TDM Plan if
484 approved by the Department.

485 (B) *Commitment to Fund and Implement the Plan.* The owner
486 or applicant must commit to fund and implement the

487 Project-based TDM Plan at an adequate level to contribute
488 toward achievement of the commuting goals.

489 (C) *Self-Monitoring.* The owner or applicant must conduct
490 self-monitoring, consistent with Department
491 requirements, to determine if the Project-based TDM Plan
492 is contributing toward achievement of the District's goals.
493 The self-monitoring must be conducted in addition to any
494 monitoring conducted by the Department.

495 (D) *Biennial Report.* Progress reports must be provided to the
496 County in alternating years, in a format consistent with
497 Department requirements.

498 (E) *Addition and/or Substitution of Strategies.* If the strategies
499 initially selected by the owner or applicant do not result in
500 the plan contributing toward achievement of District goals
501 by four years after Date of Final Occupancy, the
502 Department may require revisions in the project's
503 plan using other strategies proposed by the owner or
504 applicant. The owner or applicant must agree to implement
505 these revised strategies if required by the Department at a
506 level consistent with the owner's commitment to fund and
507 implement the plan. This process may be repeated until the
508 project demonstrates it is contributing toward achievement
509 of district goals, consistent with the Executive
510 Regulations. Once the NADMS goal or other commuting
511 goals have been achieved, the owner must maintain the
512 level necessary to continue achieving the goals.

513 (F) *Additional Funding Commitment.* If the project does not

514 contribute toward achievement of the commuting goals by
515 six years after Date of Final Occupancy, the Department
516 may require increased funding by the owner for existing
517 or new TDM strategies to be implemented at the project.
518 The owner must commit additional funds to supplement
519 on-site strategies if required by the Department. The
520 amount of the additional funding must be as established in
521 the Executive Regulation.

522 (G) *Performance Incentives.* The owner may be eligible for
523 annual performance incentives established by the
524 Department for continued contribution over multiple years
525 toward achievement of commuting goals, including
526 reductions in TDM fees or other financial benefits, as
527 established in the Executive Regulation.

528 (3) Level Three: A Project-based TDM Results Plan requires a
529 commitment by the owner or applicant to achieve a base Non-
530 Auto Driver Mode Share that is 5% higher than the District's
531 goal as well as related commuting goals at that project. The plan
532 must include project-based strategies and demonstrate that the
533 plan is achieving the goals established for the project. The
534 Director may establish a project NADMS goal that is up to 5%
535 higher or 5% lower than the base NADMS goal in Red Policy
536 Areas and up to 10% higher or 10% lower than the base NADMS
537 goal in Orange and Yellow Policy Areas. The plan must be
538 submitted by the owner or applicant and approved by the
539 Department. A Project-based TDM Results Plan must include the
540 Project-based TDM Action Plan components and the following:

541 (A) *Independent Monitoring.* Monitoring by a consultant
542 approved by the Department, to determine whether the
543 project is meeting its goals. This monitoring must be done
544 on a regular basis consistent with the Executive
545 Regulations.

546 (B) *Addition and/or Substitution of Strategies.* If the strategies
547 initially selected by the owner or applicant do not result in
548 the project achieving its goals by six years after Date of
549 Final Occupancy, the Department may require revisions in
550 the project's plan using other strategies proposed by the
551 owner or applicant. The owner or applicant must agree to
552 implement these revised strategies if required by the
553 Department at a level consistent with the owner's
554 commitment to fund and implement the plan. This process
555 may be repeated until the project demonstrates it is
556 achieving its goals, in compliance with the Executive
557 Regulation.

558 (C) *Additional Funding Commitment.* If the strategies selected
559 by the owner or applicant do not result in achievement of
560 the project goals by six years after Date of Final
561 Occupancy, the Department may require increased
562 funding by the owner for existing or new TDM strategies
563 to be implemented at the project. Additional increases in
564 funding may be required if the goals have still not been
565 achieved by eight years after Date of Final Occupancy.
566 The owner must commit additional funds to supplement
567 on-site strategies if required by the Department. The

amount of the additional funding must be as established in the Executive Regulation.

(D) *Performance Incentives.* The owner may be eligible for annual performance incentives established by the Department for continued achievement of project goals over multiple years, including reductions in TDM fees or other financial benefits, as established by the Executive Regulation.

(d) *Process.* A Project-based TDM Plan must be:

(1) proposed by the owner or applicant and approved by the Department;

(2) made an express condition of any approval for:

(A) subdivision or another plan approval under Chapter 50;

(B) site plan or another plan approval under Chapter 59; or

(C) building permit for a recorded lot;

(3) subject to all other review and approval requirements of Chapter 50 and Chapter 59, with approval of the Department required for any revisions to an approved TDM Program; and

(4) recorded in the County's land records.

A Project-based TDM Plan must be required for all such approvals except where equivalent provisions of a fully-executed traffic mitigation agreement for the project are in effect in perpetuity.

(e) *Enforcement.* The Director must enforce the terms of each Project-based TDM Plan. This does not limit the Planning Board's authority to revoke or otherwise enforce any approvals under Chapter 50 or Chapter 59. Where a Project-based TDM Plan is a condition of building permit approval, the Department of Permitting Services must confirm that the

595 TDM Plan has been approved by the Director prior to issuing a building
596 permit.]

597 **42A-27. [Traffic Mitigation Agreements.] Reserved.**

598 *[Enforcement.* The Department must enforce the terms of each traffic
599 mitigation agreement. This does not limit the Planning Board's authority to
600 revoke or otherwise enforce any approvals for subdivision under Chapter
601 50 or optional method development under Chapter 59.]

602 **42A-28. [Commuter survey and related data collection.] Reserved.**

603 [(a) The Director, after consulting the appropriate Advisory Committee,
604 must conduct a commuter survey, or obtain through other available
605 mechanisms, data on commuting by employees and residents within a
606 defined area. The data must be obtained on a schedule determined by
607 the Director.

608 (b) The Director, in consultation with the appropriate Advisory Committee,
609 must prepare a survey or other data collection mechanism as necessary
610 to generate information to:

611 (1) create an accurate data base of employee and resident
612 commuting patterns; and
613 (2) monitor progress toward reaching any commuting goals set in the
614 Growth and Infrastructure Policy, Master Plans, or Sector Plans,
615 as implemented by the Department through Executive
616 Regulations or other adopted policies and procedures.

617 (c) The Department must distribute the survey to employers; building
618 owners or managers; tenants, condominium and homeowners
619 associations; Transportation Coordinators, and others required to
620 conduct the survey or to participate in other ways in the data collection
621 process, based on a schedule the Director sets. The Department may

622 also collect commuting data through other available mechanisms in
623 addition to or in place of the commuter survey.

624 (d) Each notified employer, building owner or manager, Transportation
625 Coordinator or other entity must distribute, collect, and return the
626 completed surveys, or otherwise provide the required data through
627 other Department-approved mechanisms. Data collected must be
628 provided to the transportation management organization and the
629 Department within the time period established by the Department.

630 (e) Any entity required to participate in the commuting survey, or to
631 participate in data collection through another mechanism, must make a
632 good faith effort to generate survey responses or other data from their
633 target population with the objective of achieving at least a 40 percent
634 compliance rate for an entity with a target population of either 100 or
635 more employees or 100 or more residents and 50 percent for an entity
636 with a target population of less than 100 employees or less than 100
637 residents. The Director may require a smaller or larger response rate
638 from a given worksite, building, or project based on requirements for
639 statistical validity.]

640 **42A-29. [Executive report on Transportation Demand Management.]**

641 **Reserved.**

642 [(a) By December 1 of each even-numbered year, the Director must submit
643 to the appropriate Advisory Committee and the Planning Board a report
644 on transportation demand management in each operating District. The
645 report should include the following information to the extent feasible
646 within the constraints of available resources:

647 (1) employee commuting patterns by employer, building or project;
648 residential commuting patterns by building or project; other

commuting or travel patterns as appropriate;

- (2) auto occupancy rates by employer, residential unit or other appropriate measures;
- (3) level of service measurements for each major intersection in the policy area and selected critical intersections outside the area;
- (4) parking supply and demand;
- (5) status of road or intersection improvements, signal automation, bicycle and pedestrian access and safety, and other traffic modifications in or near the district;
- (6) transit use and availability;
- (7) carpool and vanpool use;
- (8) bicycle and bikeshare use;
- (9) use of other transportation modes relevant to analyzing achievement of commuting goals;
- (10) the number of electric vehicle charging stations in the area; and
- (11) the source and use of any funds received under this Article.

(b) By March 1 of each odd-numbered year, the Executive must forward required reports to the Council. The Executive must note any area of disagreement between the Director and an Advisory Committee.

(c) If any commuting goals set in the Growth and Infrastructure Policy are not met eight years after a district is created or by June 30, 2028, whichever is later, the Director must recommend corrective action to the Executive. This action may include additional mitigation measures. If the Executive agrees that such action is necessary, the Executive should propose appropriate legislation or adopt appropriate regulations as authorized by law.]

676 **42A-30. [Regulations.] Reserved.**

677 [The Executive must adopt regulations under method (2) to implement this
678 Article. The regulations may implement the requirements of this Article in
679 phases.]

680 **42A-31. [Transportation Demand Management Fee.] Reserved.**681 [(a) *Authority.*

682 (1) The Council may, by resolution adopted under Section 2-57A,
683 set the transportation demand management fee that the
684 Department must annually charge an applicant, and each
685 successor in interest, for subdivision, optional method
686 development approval, or a building permit.

687 (2) The Department is authorized to charge a transportation demand
688 management fee adopted by the Council to:
689 (A) an applicant for subdivision or optional method approval,
690 site plan approval or a building permit in a District; and
691 (B) an owner of existing commercial, industrial or multi-unit
692 residential developed property in the District, including a
693 property where the principal use is a commercial parking
694 facility.

695 (b) *Use of revenue.* The revenue generated by a transportation demand
696 management fee must be used in the District in which the development
697 or property subject to the fee is located to cover the cost of:

698 (1) administering the District and TDM strategies, and coordinating
699 with projects and occupants (including employees and residents)
700 within that District or Policy Area, including review and
701 monitoring of TDM Plans; and
702 (2) any program implemented under Section 42A-23(b), including

any vehicle or other equipment necessary to carry out the program.

(c) *Rate.* The rate of a transportation demand management fee must be set to produce not more than an amount of revenue substantially equal to the:

- (1) portion of the cost of administering TDM in the District, including the review and monitoring of TDM Plans, reasonably attributable to the transportation effects of the development project or property subject to the fee; and
- (2) portion of the cost of any program implemented under Section 42A-23(b), including any vehicle or other equipment necessary to carry out the program, reasonably attributable to the transportation effects of the development project or property subject to the fee.

(d) *Method.* A transportation demand management fee may be assessed on:

- (1) the gross square feet, the gross floor area, the maximum or actual number of employees, or the average number of customers, visitors, or patients, in a nonresidential building;
- (2) the number of dwelling units, the gross square feet or the gross floor area, in a residential building;
- (3) the number of parking spaces associated with a building; or
- (4) any other measurement reasonably related to transportation use by occupants of, employees located in, or visitors to a particular development or property, including property where the principal use is as a commercial parking facility.

(e) *Variation.* The transportation demand management fee and the basis on which it is assessed may vary within each District, between one District

730 and another, and from one building category or land use category to
731 another.]

732 **42A-32. [Enforcement.] Reserved.**

733 (a) The Department must enforce this Article. An employer, owner,
734 building or project manager, or other responsible party subject to
735 Section 42A-24 or 42A-25 that does not submit a TDM Plan or required
736 report, comply with required provisions of a plan, or provide survey
737 data consistent with the requirements of Section 42A-28 within 30 days
738 after a second notice has committed a class C violation.

739 (b) A party to a Project-based Transportation Demand Management Plan
740 under Section 42A-26 who does not comply with the approved plan
741 within 30 days after notice of noncompliance has committed a class A
742 violation.

743 (c) Any party that does not submit required reports on numbers of
744 employees, transportation demand management plans and strategies,
745 Non-Auto Driver Mode Share, progress toward goals, survey results or
746 other TDM-related provisions or measurements on a timely basis has
747 committed a class C violation.

748 (d) Any party who falsifies any required data or reports has committed a
749 class A violation.]

750 **Sec 2. [[Staggered phase-out of the TDM plan requirement.]] Required notices;
751 request for termination or amendment of existing TDM plans or traffic
752 mitigation agreements.**

753 (a) **[[Required notice.]] Notice requirement.**
754 **[[By September 1, 2025, the Department must send a notice to each
755 employer, building owner, or responsible party with an existing TDM**

756 plan under Section 42A-24 or 42A-25 that:

757 (1) explains the phase-out timeline under Section 2 of this Act;
758 (2) confirms that the site is no longer subject to a TDM Plan under
759 Chapter 42A;
760 (3) provides guidance on the next steps to release any applicable lien
761 recorded in the County's land records; and
762 (4) confirms that any traffic mitigation agreements executed under
763 Chapter 42A before this Act took effect are considered
764 terminated and no longer remain in effect.]

765 Within 90 days after the effective date of this Act, the Department must
766 provide, to the extent feasible, notice to each known employer, building
767 owner, or responsible party with an existing Traffic Mitigation
768 Agreement (Agreement) or Transportation Demand Management Plan
769 (Plan) that due to the repeal of Sections 42A-24, 42A-25, and 42A-26,
770 the Agreement or Plan may be eligible for termination or amendment.
771 The Department will cooperate with any employer, building owner, or
772 responsible party that requests termination of the Agreement and Plan
773 and the release of an encumbrance recorded in the Land Records,
774 pursuant to subsection (b).

775 (b) [[Lien release.]] Amendment or termination request.

776 (1) [[Beginning on October 1, 2025, the Director must accept any
777 lien release request submitted by an affected employer or
778 building owner.]]

779 An employer, building owner, or responsible party subject to an
780 Agreement or Plan under Article II of Chapter 42A may request
781 an amendment or termination of its Agreement or Plan using a

782 form prescribed by the Department. However, if an Agreement
783 or Plan was required as a condition of development approval or
784 established through a three-party agreement, then the termination
785 must be executed or released by all other parties before the
786 County may terminate the Agreement or Plan.

787 (2) [[By December 1, 2025, the Director must record in the County's
788 land records all the lien releases received under Section 2 of this
789 Act.]]

790 The Department must provide instructions to any responsible
791 party requesting termination and removal of an encumbrance
792 created by an Agreement or Plan.

Sec 3. Savings Clause.

793 Nothing in this Act must be construed to limit, impair, or repeal the authority
794 of the Planning Board under Chapter 50 or 59 of the County Code to impose
795 transportation demand management measures, transportation management
796 agreements, or other related agreements or plans as part of the Planning
797 Board's regulatory authority.

Sec 4. Effective date; transition.

800 (a) The amendments under Section 1 of this Act must take effect on
801 [[December 31, 2025]] July 1, 2026.

802 (b) New development projects under review. An applicant who, before the
803 effective date of this Act, submitted for consideration a building or
804 development project to the Department, as part of a subdivision or
805 optional method development application [[,]] under Section 42A-26,
806 would no longer need approval of the TDM plan to meet the
807 requirements for the application.

Approved:



Natali Fani-González, President, County Council

January 20, 2026

Date

Approved:

Returned unsigned

Marc Elrich, County Executive

January 30, 2026

Date

This is a correct copy of Council action.



Sara R. Tenenbaum, Clerk of the Council

February 2, 2026

Date