

June 29, 2022

Charles County Board of County Commissioners
200 Baltimore Street
La Plata, MD 20646
Attn: Mr. Reuben B. Collins, II, Esq. – President

Re: Adequate Public Facilities Manual Updates: Transportation
June 29, 2022 Public Hearing

Dear President Collins:

On behalf of the Maryland Building Industry Association (MBIA) I'm providing our comments and recommendations regarding the proposed Adequate Public Facilities Manual Updates for the Board's consideration.

Section 1.0 of the manual states "This manual is intended to provide clear guidance to the interpretation, administration, and application of this element of the Charles County Zoning Ordinance. It specifies the standards, criteria, and procedures that are to be followed by both the applicant and County staff in executing this provision of the ordinance." However, there are elements of the draft manual that do not provide clear, practical guidance for analysis of impacts to the transportation network. In addition, the draft manual is not consistent with Maryland State Highway Administration policies and standards. Our specific comments and recommendations are summarized below.

Section 2.0 Traffic Study Area

The draft manual proposes to expand the required study area from a project's site access points to the first arterial intersection for developments within Septic Tier Areas 1 and 2. Given the limited number of arterial roads in the County, the first arterial intersection could be miles from a property resulting in disproportionately large study areas. Larger study areas will significantly increase the cost to prepare Traffic Impact Studies creating a financial burden for businesses. Study areas should be commensurate with the scope of the proposed development, a one size fits all approach isn't equitable. For example, the current draft would require a proposed 6,000 square foot retail plaza to study the same roadway network as a proposed 600,000 square foot shopping mall. Establishing study areas based on the traffic volume expected to be generated by a proposed development would ensure study areas are proportionate to a project's impact. We recommend that study area limits should be determined based on the criteria presented in the following table.

Projected ADT	Study Area Limits
Less than 2,000	First collector or higher classification beyond the site access
2,001 to 5,000	Second collector or higher classification beyond the site access
5,001 and greater	Third collector or higher classification beyond the site access

Section 2.1 Traffic Impact Study Requirements

County policy should encourage the redevelopment and/or reuse of vacant buildings. Previous uses of a property should be considered and included as background traffic for the traffic impact analysis. The difference between trips generated by the proposed use and those generated by the previous use should be used to determine if a full Traffic Impact Study or mitigation is required.

Section 3.1 Introduction

Prior to purchasing a property Developers conduct extensive studies to determine the feasibility of executing their development plan. These studies include a preliminary analysis of traffic impacts on the existing road network. Our industry relies on the Adequate Public Facilities Manual to provide clear guidance on important factors such as study limits and capacity thresholds to accurately assess the road network’s ability to accommodate traffic projected to be generated by a proposed development. As recommended in our discussion of Section 2.0 Study Areas the manual should clearly define parameters for establishing study areas to provide the certainty that is crucial in evaluating the viability of a project. To that end the third paragraph of this section should be deleted in its entirety.

Section 3.2 Roadway Elements

Subsection IV. Traffic counts should be permitted in summer months and other school closure periods. The attached traffic data for Charles County obtained from the State Highway Administration demonstrates traffic volumes during the summer months are higher than most months when school is in session. Other jurisdictions, such as Anne Arundel, Prince George’s and St. Mary’s counties, allow counts to be collected during summer months and other school closure periods. Limiting traffic counts to periods when school is in session will needlessly delay project approvals and increase the cost to businesses planning new development, redevelopment or expansion.

Section 7.0 Mitigation

The changes to the manual correctly include a "fee-in-lieu" option for mitigation. However, the option requires the developer to pay more than the developer's proportional impact. This requirement isn't consistent with the Supreme Court's decision in *Koontz v. St. John's River Management District* which requires mitigation proposals meet the "nexus" and "rough proportionality" tests. This section should be revised to clearly state that mitigation must be equal to the project's impact.

Appendix B County Level of Service (LOS) Map

County policy should be consistent with Maryland State Highway Administration (SHA) policy regarding level of service limits for SHA owned-maintained roadways. There are no other jurisdictions in Maryland that have mandated levels of service for state owned-maintained roadways within their designated development districts that are more restrictive than SHA policy. In addition, there are jurisdictions, Anne Arundel, Montgomery and Prince George's Counties for example, which have deemed a level of service E adequate in urban growth areas. The proposed LOS Map should be revised to show "D" levels of service along all state owned-maintained roadways within the Development District, the level of service deemed adequate by the SHA. As expected with major thoroughfares, state roadways typically experience higher through traffic volumes that make it difficult to maintain A through C levels of service. In addition SHA will not program improvements to their roadways until a level of service "D" is exceeded. Therefore, state owned-maintained roadways currently operating at a LOS D but designated for a higher level of service by the County will not be eligible for SHA programmed upgrades. Developer mitigation for deficiencies on these high volume roadways isn't feasible for most projects due the scope and cost of improvements required. Unless County and SHA levels of service are aligned, SHA funding and economic development in designated growth areas will be negatively impacted.

Amendment Saturday Traffic Counts

During the Commissioner's June 7, 2022 work session an amendment to Bill 2022-06 was approved requiring Saturday traffic counts to be collected and analyzed for all Traffic Impact Studies. It's important to note there are no other jurisdictions in Maryland that require Saturday counts for all development types. The attached traffic data for Charles County obtained from the State Highway Administration demonstrates Saturday traffic volumes are typically less than weekday volumes. Based on historic data residential developments do not generate higher traffic

volumes on Saturdays compared to weekdays. In addition, the need for commercial developments to provide Saturday counts is typically evaluated based on the project scope and location. The Planning Director should retain the discretion to require Saturday counts when warranted. Requiring Saturday traffic counts for all Traffic Impact Studies will significantly increase the cost to businesses while providing no measurable benefit to the County.

The building industry understands and anticipates a project that impacts public facilities will require mitigation corresponding to the impact. Our proposed changes do not undermine this basic principle. Rather, the changes reflect fair, even-handed policy that protects the public while allowing projects to move forward efficiently.

The Maryland Building Industry Association appreciates the opportunity to present comments and recommendations on the proposed revisions to the APF Manual. We are available to discuss questions the Commissioners may have regarding our comments.

Sincerely,



Douglas W. Meeker

Charles County Chapter Chair - Maryland Building Industry Association

cc: Griffin Benton, VP Government Affairs

Attachments: SHA Traffic Data

TMS Volume Trends

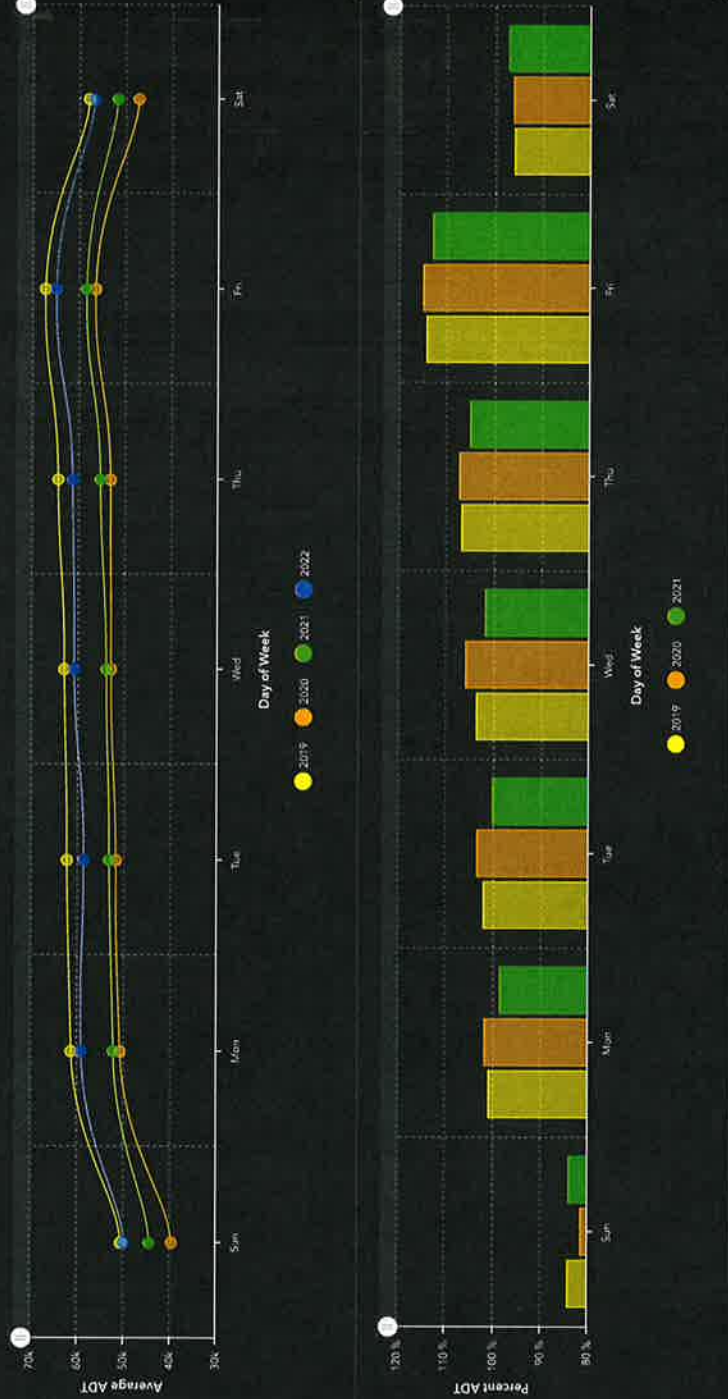
2019-2021 (2022 Partial)



Functional Group by Average ADI



Rural/Urban by Average ADI



Day of Week Weekday Weekend Month Quarter Hour Custom Day

TMS Volume Trends

2019-2021 (2022 Partial)

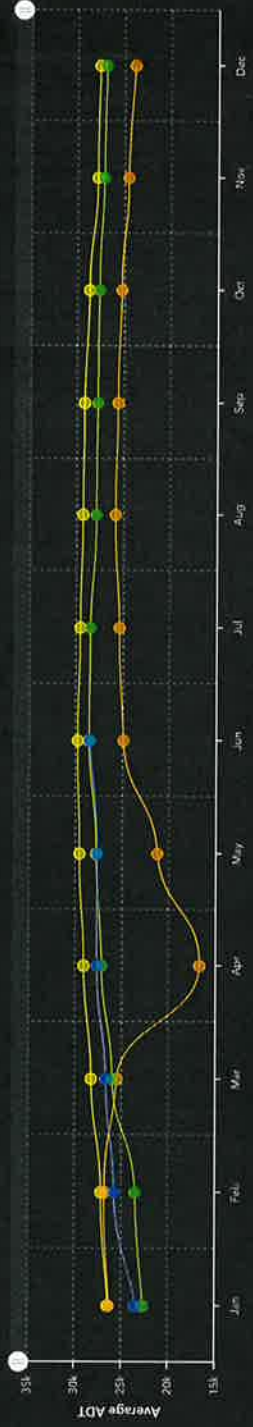


Emp. COGAS, USGS | MAICPCS, AGIM, Esri HERE, Garmin, S... Powered by Esri

Functional Group by Average ADT



Rural/Urban by Average ADT



Day of Week Weekday Weekend Weekend Custom Day

Hour

Quarter

Month

TMS Volume Trends

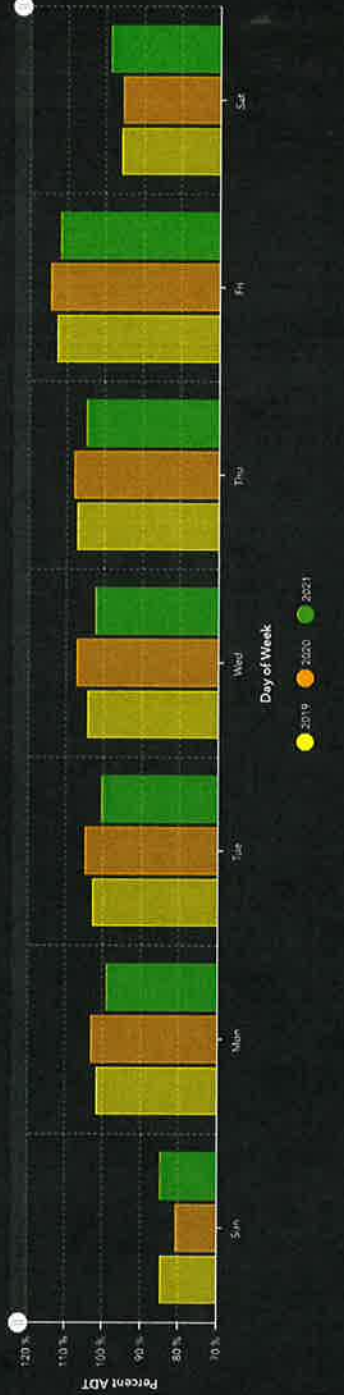
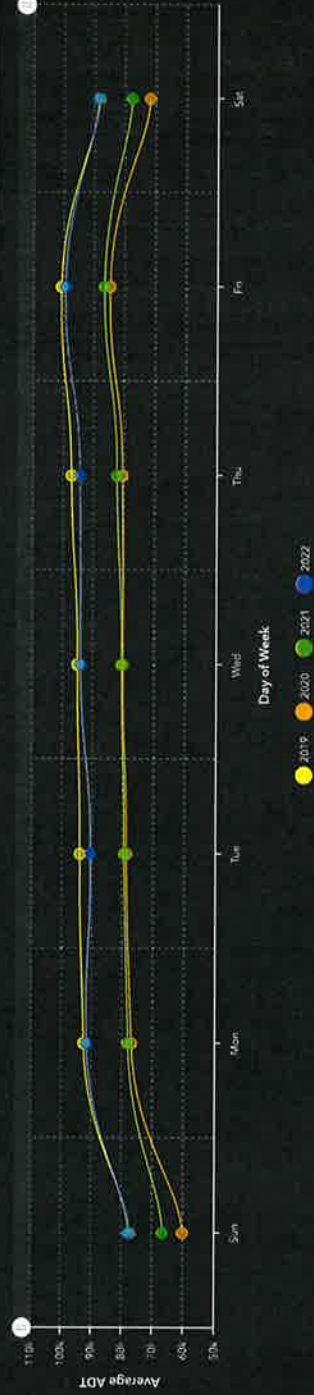
2019-2021 (2022 Partial)

Map showing location: ATR: MD 5 - 10 Mile South of Renner Rd (ATR#80). Includes search bar, zoom controls, and map navigation icons.

Functional Group by Average ADT



Rural/Urban by Average ADT



Day of Week Weekday Weekend Month Quarter Hour Custom Day

TMS Volume Trends

2019-2021 (2022 Partial)

Centerville, Missouri

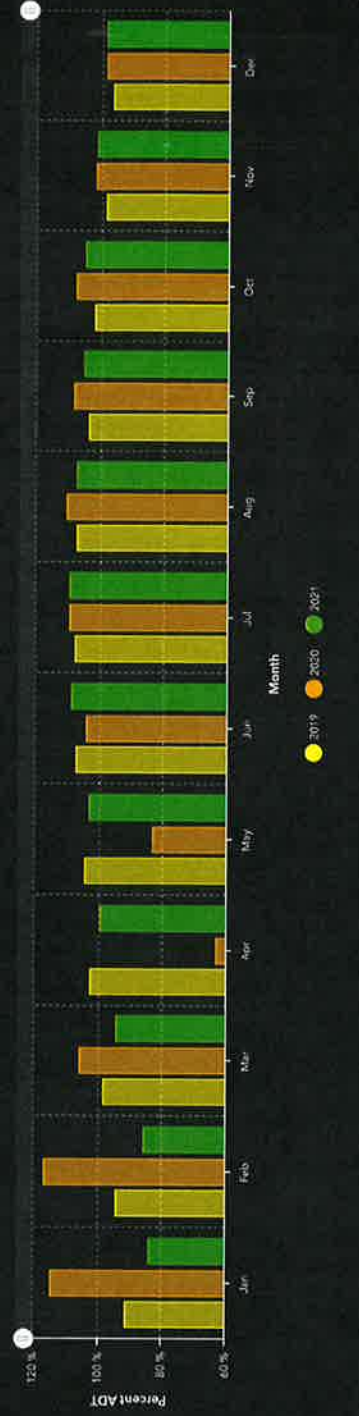
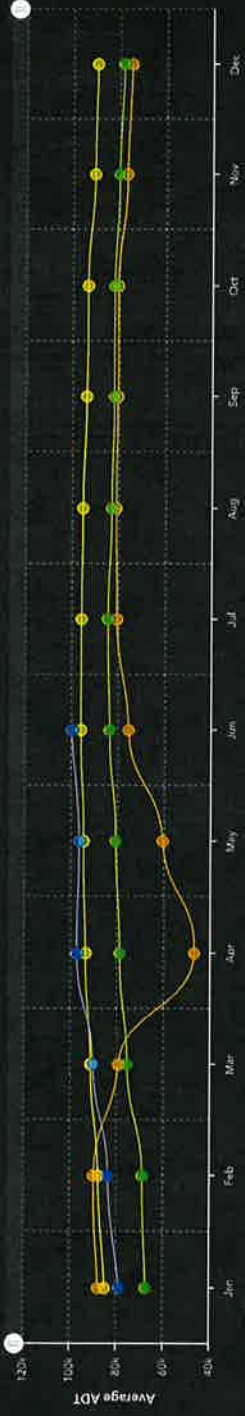
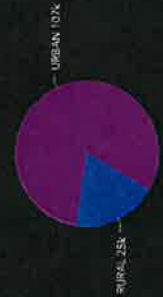
ATR: MD 5 - 10 Mile South of Renner Rd (ATR#80)

Map controls: Search, Navigation, Scale (20 ft), Layers, Full Screen, Refresh, Close

Functional Group by Average ADI



Rural/Urban by Average ADI



Day of Week: Weekday, Weekend, Month, Quarter, Hour, Custom Day

TMS Volume Trends

2019-2021 | 2022 (Partial)

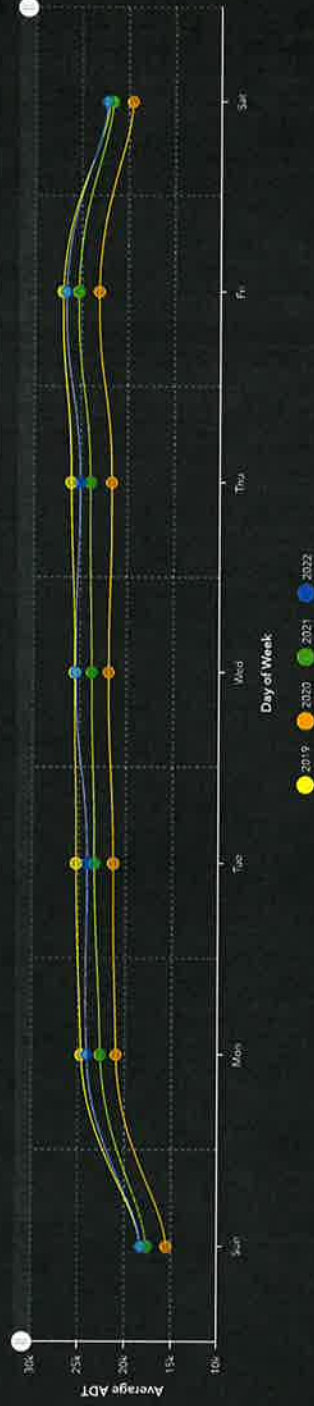


Powered by Esri

Functional Group by Average ADI



Rural/Urban by Average ADI



Day of Week

Weekday

Weekend

Month

Quarter

Hour

Custom Day

TMS Volume Trends

2019-2021, 2022 (Barroll)



Powered by Esri, CCGIAR, Usdas | VISUALIZE HERE: Garmin, SkyGraph.

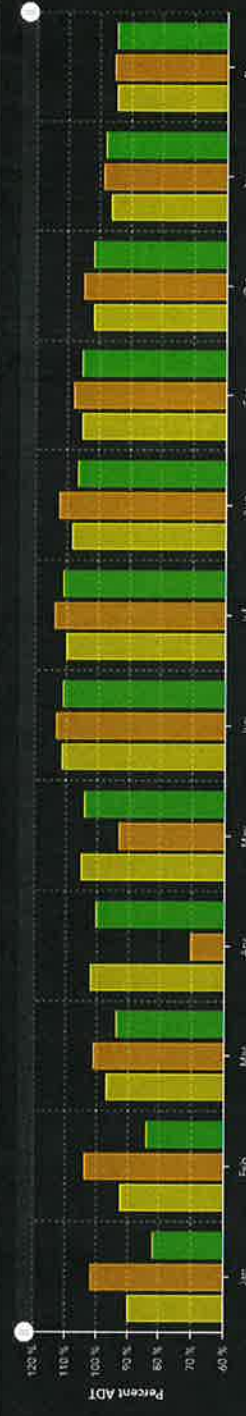
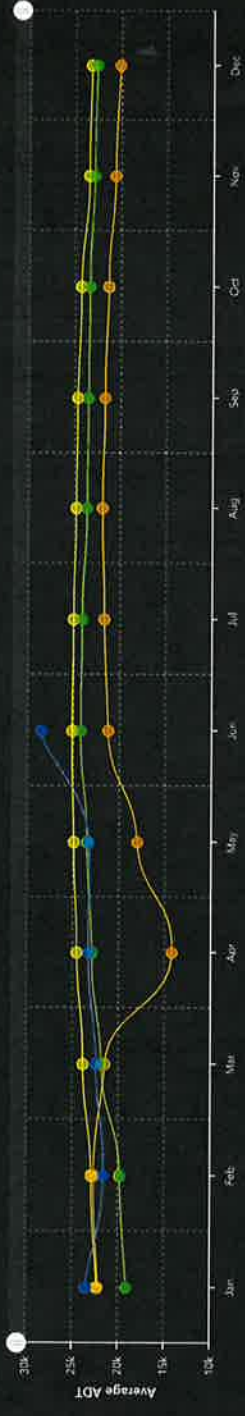
Functional Group by Average ADI

ARTERIAL 31%



Rural/Urban by Average ADI

RURAL 2%



Day of Week | Weekday | Weekend | Month | Quarter | Hour | Custom Day