

C. Proposed Capital Program Improvements

New road facilities or improvements to existing road facilities identified in the County's current Capital Program or extended Capital Program as defined in Title 22 of the Howard County Code and/or the Maryland Consolidated Transportation Program for which sufficient funds have been included so that the facilities will be substantially completed before or during the scheduled phase and/or completion year of the project, unless the Director of Public Works determines that such facilities or improvements are not likely to be completed by that time.

4.5 Mitigation Requirements

When the analysis of an intersection indicates that the level of service will be below the adopted level of service standard, the developer shall revise the project with one or more of the following actions:

A. Project Schedule Deferment

Defer the project until a future date when the Adequate Road Facilities Test Evaluation indicates that the level of service standard will not be exceeded.

B. Project Scope Reduction

Reduce the scope of the proposed project to meet the level of service standard.

C. Roadway/Intersection Mitigation Plan

Develop a mitigation plan for the intersection(s) that will increase the capacity on road facilities in the impact area so that the level of service after construction of the project would be equal to the level of service if the project had not been constructed but not more than the minimum level of service. Mitigation means the funding of improvements by the developer, approved by the Department, to off-site road facilities. Mitigation measures may include any intersection capacity improvement except grade-separation of the roadways and ramps within the intersection or improvements to the through lanes of intermediate arterial and higher classified roads. Please note the following:

- Existing Traffic Signal Modification: For existing traffic signal(s), mitigation may initially appear possible by adjustments in the signal phasing and/or timing. In reality, this is rarely possible due to signal coordination, storage of queued vehicles, etc. The developer is required to obtain advance approval from the agency responsible for the existing traffic signal maintenance prior to proposing modification to signal as a mitigation measure.
- Grade Separation: When grade separation of the intersection is the only viable mitigation alternative, full mitigation will not be required. When grade separation of an intersection or improvement to the through lanes is the only feasible alternative to providing mitigation, the County will program these improvements into the Capital Improvement Budget request for consideration of adoption. This request will be based

upon receiving a payment in lieu of the cost of the partial mitigation from the developer.

1. Shared Developer Mitigation Plan

When two or more developers are proposing mitigation plans for the same intersection, the Department will apportion the improvements between the parties based upon their proportion of the critical movements in the intersection. In the event that the timing of the development, technical infeasibility, or other factors do not allow the apportionment of the improvements, the Department shall collect from each developer the proportionate cost of the improvements corresponding to the development's proportion of the critical movements in the intersection. The funds collected will satisfy the developer's obligation for mitigation for the affected intersection. These funds will be collected on the basis that these funds will be programmed into a future Capital Project for the purpose of improving the intersection to mitigate the traffic generated by the multiple projects.

2. Capital Project Impact

When a developer's mitigation plan is proposed with a time frame that shows that a future capital project by the State and/or County will remove or negate the intersection improvements, the Department may waive the improvements and collect the estimated construction costs of the mitigation. These funds will then be programmed into a future Capital Project. Alternately, the improvements may be delayed to a certain date if a major facilities agreement is executed guaranteeing the improvements and the time schedule. If a proposed mitigation plan provides only temporary improvements due to proposed improvement plans for the road facility by others, a waiver may be granted for the improvements if the waiver does not cause traffic safety problems. In the event that a waiver is granted, the developer will be required to enter into a major facilities agreement to pay the cost of mitigation to the County, which will be used to help fund the cost of a Capital Project for future road facility improvements.

3. Constrained Roadway Impact

When a developer is required to evaluate a traffic capacity-constrained road facility, the Adequate Road Facilities Test Evaluation is still required. In the event that the level of service is below the standards in this manual, a mitigation plan is required. However, mitigation will be required to the extent that the mitigation plan improvements do not have a negative impact on the physical and right-of-way characteristics that have caused the constrained road facility to be designated. The developer may obtain the listing of constrained road facilities from the Department. The listing of constrained road facilities will be established by a resolution of the Howard County Council.